Constructive Dialogue on Technical Assistance following conclusion of 14th session of Working Group on Firearms

25 May 2023

Constructive dialogue on the review process following the conclusion of the fourteenth session of the Working Group of Government Experts on Technical Assistance Vienna, 29 and 30 May 2023 Item 2 of the provisional agenda** Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: challenges, lessons learned and identified technical assistance needs

Background paper prepared by the Secretariat

I. Introduction

1. In October 2018, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime established the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto 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 review process of the Mechanism was launched on 16 October 2020, through Conference resolution 10/1, which included in an annex the guidelines for conducting the country reviews.

2. In accordance with paragraph 12 of the procedures and rules, in which it is stated that the Conference and its working groups are to add the matter to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates, items relating to the review process were added to the agendas of the tenth meeting of the Working Group on Firearms and the fourteenth meeting of the Working Group of Government Experts on Technical Assistance.

Dr. Oumar Kadjalma TOURE, Honoris Causa in International Relations,
Member of the diplomatic service, Ambassador to the World Academy Human of Sciences.
Expert in security and geopolitical defense relating to diplomacy (N°240 MEMAEIAD / SG/ DFCSB/ SDFC/ NNA 22)
REPUBLIC OF CÔTE D'IVOIRE
MINISTRY OF STATE, MINISTRY OF FOREIGN AFFAIRS,
AFRICAN INTEGRATION AND THE DIASPORA
oumarkadjalmatoure@gmail.com +225 0707814301 / +225 0575145458
In October 2018, UN member states finally adopted an implementation review mechanism for the UN Convention against Transnational Organized Crime (UNTOC) and its three protocols (human trafficking, migrant smuggling and firearms trafficking).

Civil-society voices are important in this review mechanism process. By supporting the implementation of UNTOC, the role that CSOs can play in offering multiple sources of information and perspectives, bringing new data and broadening the scope of debates, is critical. Civil society can contextualize the implementation of UNTOC, supplying analysis and expert opinion on organized-crime trends and bringing the experience of communities affected by organized crime to the fore. This differs from the primarily legalistic focus of the formal review mechanism, conducted by member states and their peer reviewers. An approach that sites UNTOC in a context of the multiple impacts of organized crime on communities and wider civil-society actors (who are ostensibly the ultimate beneficiaries of the convention) will best support member states in decision-making on UNTOC and response priorities going forward.

As the leading global civil-society organization working on organized-crime issues, the Global Initiative Against Transnational Organized Crime (GI-TOC) will bring its authority, convening power, and extensive Network of Experts, as well as grassroots civil-society organizations (CSOs) working against organized crime, to help ensure a meaningful, rich and coordinated contribution to the UNTOC implementation review process. The GI-TOC will support CSOs in preparing and implementing their engagement with the review mechanism.

We are delighted to be working in close coordination with the UN Office on Drugs and Crime (UNODC), as the custodian of UNTOC. In September 2019, the UNODC and GI-TOC signed a letter of intent to guide our joint work on this important issue. Together, we are undertaking a broad and multi-pronged strategy to help ensure meaningful civil-society engagement in the review mechanism. UNODC’s leadership and support for the CSO community will be critical in ensuring that the UNTOC Conference of the Parties provides the opportunity and direction for meaningful CSO engagement.

- That diverse, civil-society perspectives are incorporated into the UNTOC review mechanism process, in a visible, impactful, coherent and coordinated manner.
- That the CSO community working against organized crime is brought together to enter into a dialogue, and coordinate and engage with the review mechanism in an informed, collegial and strategic way.
- That the CSO community understands the UNTOC review mechanism process and how the perspectives of non-state actors will be, and should be, incorporated into the process.
2- States Parties’ technical assistance needs and civil society engagement/participation

“In an age where community involvement and partnerships with civil society are increasingly being recognized as indispensable, there is clearly a growing potential for cooperative development and renewal worldwide”

Former UN Secretary General Kofi Annan, 25 June 2015

An empowered Civil Society is an necessary for any democratic society. Civil Society Organisations embody the citizen’s demands for transparency and accountability; promote participation, pluralism and inclusivity and play an important role in conflict resolution. Moreover, Civil Society Organisations (CSOs) are crucially important actors in driving democratic reform and promoting Human Rights.

Hence, Civil Society has been recognised as a fundamental actor in development, and strengthening its capacities to ensure its active participation is key to the post-2015 development agenda. The main challenges to enhance participation of Civil Society include:

- Increasing Civil Society capacities, so that they can play a role as relevant and sustainable actors, especially local CSOs in partner countries;
- Promoting an enabling environment for the creation, development, and participation of CSOs;
- Building bridges and exploring synergies between states and CSOs, so that the latter contribute to policy making, enhance governance and contribute to development;
- Contributing, through a number of projects carried out in the field as well as supporting the policymakers, B&S has contributed to the strengthening of civil society actors, as well as facilitating dialogue and networking between national authorities, CSOs and donors. UNHCR’s global network of 400 peer advisors also provides critical support in the context of harassment, particularly in preventing and mitigating tensions and grievances, supporting colleagues, and promoting better workplaces.

UNHCR has another network of 400 PSEA focal points with specific responsibilities related to the prevention of sexual exploitation and abuse, including helping refugee-victims access support resources as well as through carrying out training and awareness-raising activities. Their presence across 132 countries is a key factor in helping identify and support victims.

Dr. Oumar Kadjalma TOURE, UNITAR’s conference on FinTech Ecosystem: Leveraging its impact in the economy and climate change held on March 20, 2023.

Reinvesting 5% of global military spending would also exceed spending in the first year of climate change adaptation by developing countries (Goal 13).

The cost of achieving universal quality primary and secondary education for all (Goal 4) is estimated at less than 3% of global annual military expenditure, while ending extreme poverty and hunger (Goals 1-2) is estimated at less than 13% of annual military expenditure.
3-Gender, human rights and victim-centred approaches to countering organized crime


In its resolution 38/12, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on progress made in improving civil society engagement with international and regional organizations.

The present report has been prepared on the basis of inputs from different United Nations entities and civil society. It provides an overview of developments in relation to the 3 "Ps":

Ensure equal and inclusive civil society participation in the work of the UN and access to information

Promote civic space, including in national decision-making processes

Protect civil society actors at risk and from online and offline attacks.

It also contains recommendations on concrete steps that would strengthen the approaches of regional and international organizations to civil society space.

Summary

The "3 Ps" are interdependent and mutually reinforcing elements for free, safe and enabling civic space where decision-making across the board – on development, on security, on social affairs – is more effective and legitimate when people from different backgrounds are able to contribute.

Meaningful participation of civil society in international processes and bodies, including in the United Nations, relies on free and vibrant democratic spaces with effective participation channels for diverse groups at the national level. This, in turn, requires respect for freedom of expression and access to information online and offline, freedom of association and physical security for those who speak up and assemble peacefully.

PARTICIPATION: Ensure inclusive, equal and diverse civil society participation in UN processes

Put in place publicly available policies that spell out clear, impartial and non-discriminatory rules for civil society participation and access to information

Make information widely available in multiple languages, in accessible formats, and use communication channels that are relevant and convenient for the target audience

Proactively reach out to all civil society actors at risk of exclusion, provide funding, and put in place direct, flexible and localized channels (e.g. digital and online forums)

Assess barriers to civil society participation and adapt operations and practices to strengthen and expand opportunities for partnerships, including the development of common strategies between the UN and different civil society groups and others.
Put in place "feedback loops" for civil society on the implementation of UN programs and activities, and establish avenues for civil society to contest restrictions on participation and access to information.

**PROMOTION:** Actively promote civic space, including civil society participation in national decision-making processes.

Advocate for institutionalized channels for civil society participation in national decision-making, including through new technologies.

Identify obstacles to civic space online and offline, patterns of discrimination and exclusion, and restrictions to freedoms of expression, assembly and association, access to information and funding sources.

With civil society and other actors, develop joint strategies to overcome civic space obstacles.

Highlight the positive contributions of civil society in sustainable development, peace and security, rule of law, by promoting positive narratives and good examples.

Lend political and funding support, develop capacities, and facilitate the work of broader civil society coalitions.

**PROTECTION:** Protect civil society actors at risk, including from intimidation and reprisals for cooperating with the UN.

Put victims at the centre by addressing urgent protection needs of victims when cases occur, and coordinate with other relevant actors on protection responses.

Be prepared by analysing legislative, institutional and policy contexts, groups at risk, identifying the key protection-actors, and adopting safe communication channels.

Put in place a protection response with clear protocols and follow-up (including documentation) and train staff accordingly.

Responses should be based on informed consent, and reflect the principles of confidentiality and do no harm.

**Putting victims first**

Sexual exploitation and abuse (SEA) represent a grave breach of trust and of the right to safety, security and dignity of refugees. Sexual harassment (SH) undermines the right of personnel to be safe and treated with dignity and respect in the workplace and in connection with work.

UNHCR is committed to take all necessary action to prevent and respond decisively to sexual misconduct and to put the protection, rights and dignity of refugee-victims and staff-victims at the forefront.

Victim-Centred Approach is a way of engaging with victims that prioritizes listening, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices. The purpose is to give back as much control to victims as feasible and ensure empathetic delivery of services in a non-judgmental manner.
Victim care in action

Victims of sexual harassment are supported by UNHCR’s Victim Care Officer. This support is automatically provided to victims unless they choose otherwise, shifting the onus from the individual to the organization. The Victim Care Officer, a Clinical Psychologist, provides psychosocial support, confidential guidance on processes and services, supports decision making, accompanies victims through the process, coordinates action on their behalf, and assesses risks and individual needs. This service also provides guidance to witnesses and advice to managers on support and risk mitigation for sexual harassment.

UNHCR’s global network of 400 peer advisors also provides critical support in the context of harassment, particularly in preventing and mitigating tensions and grievances, supporting colleagues, and promoting better workplaces.

UNHCR has another network of 400 PSEA focal points with specific responsibilities related to the prevention of sexual exploitation and abuse, including helping refugee-victims access support resources as well as through carrying out training and awareness-raising activities. Their presence across 132 countries is a key factor in helping identify and support victims.

1) Ensure equal and inclusive civil society PARTICIPATION in the work of the UN and access to information
2) PROMOTE civic space, including in national decision-making processes
3) PROTECT civil society actors at risk and from online and offline attacks

The “3 Ps” are INTERDEPENDENT and mutually reinforcing elements for free, safe and enabling civic space

Decision-making across the board, on development, on security, on social affairs, is more effective and legitimate when people from different backgrounds are able to contribute. Meaningful participation of civil society in international processes and bodies, including in the UN, relies on free and vibrant democratic spaces with effective participation

channels for diverse groups at the national level. This, in turn, requires respect for freedom of expression and access to information online and offline, freedom of association and physical security for those who speak up and assemble peacefully.

The UN Secretary-General: “The Highest Aspiration: A Call to Action for Human Rights” (2020)

“Society is stronger and more resilient when women and men can play a meaningful role in political, economic and social life, contributing to policy-making that affects their lives, including by accessing information, engaging in dialogue, expressing dissent and joining together to express their views. This includes the right to freedom of thought, conscience and religion.
HOW TO STRENGTHEN CIVIL SOCIETY ENGAGEMENT WITH INTERNATIONAL AND REGIONAL ORGANIZATIONS UN High Commissioner for Human Rights Report (A/HRC/44/25)

Ensure inclusive, equal and diverse civil society PARTICIPATION in UN processes

• Put in place publicly available POLICIES that spell out clear, impartial and nondiscriminatory rules for civil society participation and access to information

• Make INFORMATION WIDELY AVAILABLE in multiple languages, in accessible formats, and use communication channels that are relevant and convenient for the target audience

• Proactively REACH OUT to all civil society actors at risk of exclusion, provide funding, and put in place direct, flexible and localized channels (e.g. digital and online forums)

• Assess BARRIERS to civil society participation and adapt operations and practices to strengthen and expand opportunities for partnerships, including the development of common strategies between the UN and different civil society groups and others

• Put in place “FEEDBACK LOOPS” for civil society on the implementation of UN programs and activities, and establish avenues for civil society to contest restrictions on participation and access to information

Actively PROMOTE civic space, including civil society participation in national decision-making processes

• Advocate for institutionalized CHANNELS FOR CIVIL SOCIETY PARTICIPATION in national decision-making, including through new technologies

• Identify OBSTACLES to civic space online and offline, patterns of discrimination and exclusion, and restrictions to freedoms of expression, assembly and association, access to information and funding sources

• With civil society and other actors, develop JOINT STRATEGIES to overcome civic space obstacles

• Highlight the POSITIVE CONTRIBUTIONS of civil society in sustainable development, peace and security, rule of law, by promoting positive narratives and good examples

• Lend political and FUNDING support, develop capacities, and facilitate the work of broader civil society coalitions

PROTECT civil society actors at risk, including from intimidation and reprisals for cooperating with the UN

• PUT VICTIMS AT THE CENTRE: address urgent protection needs of victims when cases occur, and coordinate with other relevant actors on protection responses

BE PREPARED: analyse legislative, institutional and policy contexts, trends of groups at risk, identify the key protection-actors, and adopt safe communication channels

• Put in place a PROTECTION RESPONSE with clear protocols and FOLLOW-UP (including documentation) and train staff accordingly

• Responses should be based on informed CONSENT, and reflect the principles of CONFIDENTIALITY and DO NO HARM