



UNODC

United Nations Office on Drugs and Crime

Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

COMPENDIUM OF BASIC DOCUMENTS



UNITED NATIONS OFFICE ON DRUGS AND CRIME
VIENNA

**Mechanism for the Review of
the Implementation of the
United Nations Convention against
Transnational Organized Crime and
the Protocols thereto Compendium of
Basic Documents**



UNITED NATIONS
Vienna, 2022

© United Nations, 2022. All rights reserved.

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Links to Internet sites contained in the present publication are provided for the convenience of the reader and are accurate at the time of issue. The United Nations takes no responsibility for their continued accuracy after issue or for the content of any external website.

This publication has not been formally edited.

Publishing production: English, Publishing and Library Section, United Nations Office at Vienna.

Introduction

The documents compiled in this publication are the main documents adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime that provide the framework 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*.

The purpose of the compilation of these documents and texts is to provide a useful resource for States and the governmental experts designated to work on the reviews, for United Nations bodies and specialized agencies, inter-governmental organizations, and other relevant stakeholders, including non-governmental organizations, private sector and academia who will be engaging in this process, and other specialists who are interested in learning more about this intergovernmental process and its outcomes.

Contents

Resolution 9/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime	1
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	5
I. Introduction	6
II. Guiding principles and characteristics of the Mechanism.	7
III. Efficiency of the Mechanism.	8
IV. Relationship of the Mechanism with the Conference of the Parties	8
V. Review process	9
A. Goals	9
B. Review process	9
C. Information-gathering	11
D. Conduct of the country review	13
E. Outcome of the country review	15
F. Follow-up procedures	16
VI. Secretariat	17
VII. Languages	18
VIII. Participation of signatories to the Convention or any of the Protocols in the Mechanism	18
IX. Signatories, non-signatories, entities, intergovernmental organizations and non-governmental organizations and the Mechanism	18
X. Funding	20

Organization of the review of the implementation of the Convention and the Protocols thereto	21
Resolution 10/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime	23
Guidelines for conducting the country reviews	27
I. Beginning of the review process	27
II. Preparation by governmental experts	28
III. Country review	29
Blueprint for the list of observations for country reviews.	31
Blueprint for the summary of the list of observations for the review of [State party under review]	33

**Resolution 9/1 of the Conference of the Parties to
the United Nations Convention against
Transnational Organized Crime**

**Establishment of the Mechanism for the 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,*

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent the principal worldwide legal instruments to combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming their importance as the main tools available to the international community for this purpose,

Reaffirming that the purpose of the Convention and the Protocols thereto is, inter alia, to promote cooperation to prevent and combat transnational organized crime more effectively, and stressing the need to take additional concerted action to reinforce the implementation of the Convention and the Protocols thereto by States parties and to identify related technical assistance needs,

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

¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

Reaffirming its decision 1/2 of 7 July 2004, in which the Conference decided to carry out the functions assigned to it in article 32 of the Convention,

Recalling that in article 32 of the Convention it is stated that the Conference shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling also, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, and 7/1 of 10 October 2014,

Recalling further its resolution 8/2 of 21 October 2016, in which it decided to continue the process of establishing the mechanism for the review of the implementation of the Convention and the Protocols thereto and to elaborate specific procedures and rules for the functioning of the mechanism for consideration and adoption by the Conference at its ninth session,

Taking note of relevant General Assembly resolutions, including resolution [72/196](#) of 19 December 2017, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly welcomed with appreciation the decision of the Conference at its eighth session to continue the process of establishing a mechanism for the review of the implementation of the Convention and the Protocols thereto,

Recalling articles 2 and 37 of the Convention concerning, respectively, the use of terms and the relation between the Convention and the Protocols thereto, as well as the common article 1 of each Protocol to the Convention,

Recalling also articles 29 and 30 of the Convention, and stressing the connections between the review of the implementation of the Convention and the Protocols thereto, the technical assistance programmes provided to requesting States parties and international cooperation to combat transnational organized crime,

1. *Takes note with appreciation* of the work of the open-ended inter-governmental meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto,¹ which was convened in Vienna from 24 to 26 April 2017, from 30 October to 1 November 2017, and from 21 to 23 March 2018;

2. *Adopts*, subject to the provisions of the present resolution, 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, contained in the annex to the present resolution;²

3. *Decides* to launch the preparatory phase of the review process in accordance with the thematic clusters and multi-year workplan contained in tables 1 and 2 contained in the appendix to the procedures and rules;

4. *Takes note with appreciation* of the progress made by the working groups in the definition of the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto, as mandated by the Conference in its resolution 8/2 of 21 October 2016;

5. *Welcomes* the finalization, by the Working Group on the Smuggling of Migrants, of the self-assessment questionnaire related to the review of the Protocol against the Smuggling of Migrants by Land, Sea and Air, which will provide, once harmonized with other self-assessment questionnaires and adopted by the Conference, the basis for the review of the implementation of the Smuggling of Migrants Protocol;

6. *Requests* the United Nations Office on Drugs and Crime to convene, within existing resources, at least one meeting of an open-ended inter-governmental expert group for the purpose of finalizing and harmonizing, as necessary, the self-assessment questionnaires and preparing the guidelines for conducting the country reviews and a blueprint for the lists of observations and the summaries, referred to in the annex to the present resolution. The outcome of the work of the open-ended intergovernmental expert group is to be submitted to the Conference for its consideration at its tenth session;

7. *Invites* the President of the Conference of the Parties, with the support of the Bureau, to facilitate the work of the open-ended intergovernmental expert group described in paragraph 6 above through informal consultations, and requests the Secretariat to support this process, including by preparing a draft of the guidelines and the blueprints, for consideration by the open-ended intergovernmental expert group;

² On an exceptional basis and without prejudice to the fulfilment of the obligations deriving from the Convention, including those under article 32, the Conference of the Parties decides that the Holy See may choose not to participate as either a State under review or a reviewing State in the mechanism established by the present resolution.

8. *Requests* the Secretariat, in close consultation with and reflecting inputs from States parties, including by means of a test phase, to further develop the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, in accordance with the procedures and rules contained in the annex to the present resolution, and to brief the Conference about the updated portal for consideration at its tenth session;

9. *Stresses* the importance of ensuring under future budget cycles the efficient, continued and impartial functioning of the Mechanism, in accordance with the provisions of the procedures and rules contained in the annex to the present resolution, and decides to consider taking appropriate measures including, if necessary, requesting the Secretary-General to take appropriate action;

10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations and with the procedures and rules for the functioning of the Mechanism, contained in the annex to the present resolution, including its paragraph 54.

**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**

Preamble

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

I. Introduction

2. The Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto embodies a review process for the Convention and the Protocols thereto that shall be guided by the principles and characteristics contained in section II below and be carried out in accordance with the provisions contained in section V. The Mechanism shall be facilitated by a secretariat as set out in section VI.

3. The procedures and rules are tailored to address the unique aspects of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and are without prejudice to the procedures and rules of any other United Nations instrument.

³ Which provides that States parties shall carry out their obligations under the United Nations Convention against Transnational Organized Crime 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.

II. Guiding principles and characteristics of the Mechanism

4. The Mechanism shall:

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

III. Efficiency of the Mechanism

5. The Mechanism shall be cost-effective, concise and user-friendly and make optimal and efficient use of existing information, tools, resources and technology so that it does not impose undue burdens upon States parties, their central authorities, other relevant authorities and experts involved in the review process.

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

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

7. Without prejudice to the guiding principles and characteristics of the Mechanism contained in section II, the Conference may conduct an evaluation of the organization, functioning, funding, and performance of the review process, so as to amend and improve the existing Mechanism at any time.

V. Review process

A. Goals

8. Consistent with the Convention, in particular article 32, the review process, *inter alia*, shall assist the Conference to:

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

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

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

(d) Gather information on national legislation, successes, good practices and challenges of States parties in implementing and using the Convention and the Protocols thereto, and to promote and facilitate the exchange of this information;

(e) Promote international cooperation as stipulated in the Convention and the Protocols thereto;

(f) Acquire the necessary knowledge of the measures taken by States parties in implementing the Convention and the difficulties encountered by them in doing so through information provided through the gathering process described in section V.C of the present procedures and rules.

B. Review process

9. The Mechanism shall be applicable to all States parties to the Convention and to each of the Protocols they are parties to. It shall progressively address all the articles of the Convention and the Protocols thereto. It shall be structured on thematic clusters of articles based on their subject matter, as indicated in table 1 contained the appendix. The review shall be a gradual process consisting of one preparatory phase (years 1 and 2) and four subsequent review phases (years 3–12).

10. For each group of States parties as set forth in paragraph 17, the advancement to the next review phase is conditional upon the completion

of 70 per cent of the reviews foreseen at the beginning of the previous phase, unless the Conference decides otherwise.

11. For each group of States parties as set forth in paragraph 17, the implementation of the Convention and the Protocols thereto must be reviewed under the same thematic cluster at the same time.

12. The review process shall be composed of a general review that will be undertaken in the plenary of the Conference of the Parties, and of country reviews that will be conducted through desk reviews. The Conference and its working groups shall add the matter to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. Taking into consideration the progressive nature of the review set forth in paragraph 9, the content of the agendas and scheduling of the meetings of the working groups will be decided by the Conference or the extended Bureau in a timely manner. In order to ensure that the working groups may contribute to the Mechanism while also carrying out their respective existing mandates, each working group should dedicate no more than one agenda item per session to matters pertaining to the functioning of the review process.

13. Country reviews will identify best practices, gaps and challenges in the implementation of the provisions under review, suggestions and, when necessary, technical assistance needs. In accordance with paragraph 43, discussions pertaining to country reviews will be undertaken in the relevant working groups.

14. The general review held in the plenary of the Conference of the Parties shall facilitate the exchange of experiences, lessons learned, best practices and challenges in implementing the Convention and Protocols and the identification of technical assistance needs, with a view to improving their effective implementation and promoting international cooperation. It will be facilitated by the general reports referred to in paragraph 19 of the present procedures and rules.

15. The preparatory phase (years 1 and 2) shall be devoted to the definition of organizational matters, including the preparation of the guidelines for conducting the country reviews and the blueprint for the list of observations and the summaries, and the finalization, in accordance with paragraph 19 of the present procedures and rules, of the self-assessment questionnaire for each of the instruments. This preparatory phase shall also be used to ensure the optimal and efficient use of existing information, tools, resources and technology as part of the review process. The four review phases shall be

held from year 3 to year 12. For each group of States parties as set forth in paragraph 17, each phase shall last two years. The four review phases shall be conducted and concluded in line with the multi-year workplan contained in table 2 contained in the appendix.

16. The Conference may decide to make amendments to the multi-year workplan if doing so is deemed appropriate in the light of the efficient functioning of the Mechanism. The relevant working groups may recommend to the Conference adjustments to the multi-year workplan.

17. The selection of States parties participating in the country reviews shall be carried out by the drawing of lots at the beginning of the review process, staggered in three consecutive years. Each year, one third of the States parties to the Convention will be selected to be reviewed for all the instruments they are parties to, in accordance with paragraphs 28 and 29 of the present procedures and rules. If possible, the number of States parties from each regional group to be selected for review in a given year shall be proportionate to the size of that regional group.

18. Each State party shall appoint a focal point to coordinate its participation in the review, and make this information available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC). In the case that a State party has not appointed a focal point by the time of the drawing of the lots referred to in paragraph 28, all communications will be submitted to its permanent representative, who shall act as temporary focal point.

C. Information-gathering

19. In order to review each thematic cluster of articles of the Convention and Protocols thereto, short, precise and focused self-assessment questionnaires for the review of implementation of each instrument shall be finalized during the preparatory phase. Provisions of the Convention that apply to the Protocols, *mutatis mutandis*, will be reviewed under the Convention only. In responding to the questionnaires, States parties are invited to provide complete, up-to-date, accurate and timely information in one of the working languages of the Mechanism, in accordance with section VII. The responses to the questionnaires and the lists of observations indicated in paragraph 38, when available, shall be the basis for a general report of trends, patterns and best practices to be prepared — or updated as appropriate — by the Secretariat for consideration by the Conference at its regular sessions. The

responses to the questionnaires shall be the basis for the country review, without prejudice to information or clarification requested by the reviewing States parties and provided by the State party under review.

20. Each State party under review shall provide the responses to the self-assessment questionnaire to the reviewing States parties through the secure module of SHERLOC established in line with paragraph 21. Upon request, the Secretariat shall facilitate the States parties uploading information, including by assisting them with e-training, instructions, advice and credentials.

21. The self-assessment questionnaire shall be available on SHERLOC. A new secure module shall be developed as a further component of SHERLOC to host the questionnaires and responses thereto, which shall ensure the full confidentiality of all data submitted by States parties. The module shall include a secure written communications platform for the ensuing dialogue between the State party under review and the reviewing States parties, and archive capabilities.

22. When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms are appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations which are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

23. The State party under review is encouraged to prepare its responses to the self-assessment questionnaire through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia, taking into consideration the specificities of the Convention and the Protocols thereto.

24. The Secretariat shall be responsible for optimizing and maintaining SHERLOC to serve as the user-friendly database for collecting and disseminating information on the Mechanism.

D. Conduct of the country review

25. The country review shall consist of a single review for each State party of its implementation of the Convention and of each Protocol it is party to. It shall be conducted in phases, with each phase beginning with the completion by the State party under review of the relevant sections of the self-assessment questionnaire on its implementation of each instrument to which it is a party.

26. The responses to the self-assessment questionnaire and any additional information provided by the State party under review, including reference to relevant legislation, shall be reviewed by two other States that are parties to the relevant instruments, with the active involvement of the State party under review. States parties under review are also encouraged to provide to SHERLOC any other reference materials that may contribute to a better understanding of their legal framework.

27. Each State party shall, for the purposes of the review, designate at least one governmental expert with expertise relevant to the instruments it is party to and make this information available on SHERLOC.

28. At the beginning of the review process, a joint intersessional meeting of the working groups without interpretation shall draw lots to select as reviewing States one State from the regional group of the State party under review and one State from another regional group. The reviewing States shall serve as such for the duration of the review process for each State party under review through four subsequent review phases. The method for the drawing of lots will be based on the following criteria:

(a) States shall not undertake mutual reviews;

(b) For each instrument, a State party under review shall not be reviewed by States which are not parties to the same instrument; in the case that a drawn reviewing State is not party to all the instruments to which the State under review is party, an additional drawing of lots shall be carried out so as to select an additional reviewing State only for those instruments;

(c) The total number of reviewing States for all instruments shall not exceed four unless the State under review decides otherwise;

(d) The State party under review and the reviewing States may request a maximum of four times each that the drawing of lots be repeated, including but not limited to, for the purpose of facilitating the selection of a mutual

working language for the conduct of the country review or to facilitate the participation of at least one reviewing State from a similar legal system;

(e) In exceptional circumstances, States parties may request a redraw;

(f) If needed, the drawing of lots may be repeated at a subsequent intersessional meeting.

29. By the end of the review process, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews. On a voluntary basis, States parties may participate as reviewing State party in more than three reviews.

30. If a reviewing State party is unable to carry out its duties as a reviewer, in accordance with the guiding principles of the Mechanism, the State party under review shall request a consultation with that reviewing State party and the Secretariat with a view to addressing the concern. In the case that the States parties fail to resolve the issue through the consultation, the State party under review may request a redrawing of lots at any time. The redrawing of lots shall be held in any working group meeting and in accordance with the provisions of paragraph 28.

31. The State party under review shall undertake consultations with the reviewing States parties, through their focal points, with the assistance of the Secretariat, on the establishment of time frames and the requirements of the country review, in accordance with the guidelines for conducting the country reviews, including the selection of the working language or languages, in accordance with section VII of the present procedures and rules.

32. Governmental experts from the reviewing States parties with expertise relating to the relevant instrument may divide tasks and issues among themselves, taking into account their respective fields of competence.

33. The Secretariat shall provide administrative support to facilitate the establishment of lines of communication among the governmental experts involved in the country review upon request, in order to ensure that they can make best use of the secure written communication platform developed under SHERLOC and referred to in paragraph 21. The Secretariat shall be kept abreast of all communications made through SHERLOC.

34. Within a reasonable time frame, to be mutually agreed by the parties involved, not exceeding six months, the State party under review shall

provide the responses to the self-assessment questionnaires to the reviewing States parties through the secure module of SHERLOC.

35. Within a reasonable time frame, not exceeding six months, of the receipt of the responses to the self-assessment questionnaires from the State party under review, the reviewing States parties shall submit to the State party under review written feedback on the measures taken in the implementation of the Convention and the relevant Protocols, as well as on successes and challenges of such implementation. The feedback may also contain, where necessary, requests for clarification or additional information, or supplementary questions to which the State party under review is encouraged to respond. A constructive dialogue between the State party under review and the reviewing States parties shall be guided by the principles and characteristics set forth in section II as well as the provisions set forth in section III, and a record of that dialogue shall be archived in the designated confidential module in SHERLOC.

36. While SHERLOC represents the primary platform of communication, as described in sections V.C and V.D of the present procedures and rules, States parties participating in a review may use other available technological tools, such as virtual networks, conference calls and videoconferences, as part of their constructive dialogue. States parties are encouraged to take advantage of regularly scheduled meetings of the Conference of the Parties and its working groups to further the direct dialogue. Relevant information on such dialogues may be uploaded to the sections of SHERLOC dedicated to the ensuing dialogue between the State party under review and the reviewing States parties, in order to keep a record of the process.

37. The reviewing States parties, their governmental experts involved in the review and the Secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review. On a voluntary basis, parties under review may request the Secretariat to use information provided during their reviews to populate the public elements of SHERLOC.

E. Outcome of the country review

38. At the final stage of each review phase for each State party, the reviewing States, in close cooperation and coordination with the State party under review, and with the assistance of the Secretariat, shall prepare a list of observations indicating any gaps and challenges in the implementation of the provisions under review, best practices, suggestions and any technical assistance needs

identified to improve implementation of the Convention and its Protocols. Such lists shall follow the blueprint format referred to in paragraph 15, be precise and concise, and be based on the responses to the self-assessment questionnaire and ensuing dialogue. The list of observations shall be made available to the working groups as a conference room paper, unless, in exceptional circumstances, the State party under review decides to keep some parts of the list confidential. At the end of each phase, a summary of the lists of observations, not exceeding 1,500 words and based on the same blueprint, shall be translated into the six official languages of the United Nations and be made available to the Conference and its working groups.

39. The list of observations, gaps, challenges, best practices, suggestions and, when necessary, technical assistance needs, and the summaries shall be finalized upon agreement between the reviewing States parties and the State party under review.

40. In order to improve and strengthen cooperation and learning among States parties, the responses to the self-assessment questionnaires submitted after the adoption of the Mechanism shall be made accessible to all States parties in the secure module of SHERLOC. The State under review may also decide to make available the ensuing dialogue mentioned in paragraph 21 and additional documentation pertaining to its review.

41. A State party may decide to make public the responses to its self-assessment questionnaire, ensuing dialogue and additional documentation, or part thereof, including through SHERLOC.

42. After the submission of the responses to the questionnaires, a State party under review may, on a voluntary basis, share its good practices and experiences with regard to the exercise of completing the questionnaires.

F. Follow-up procedures

43. The working groups of the Conference shall draw upon the lists of observations mentioned in paragraph 38 in preparing their sessions, and take them into account when proposing generally applicable recommendations to the Conference.

44. The Working Group of Government Experts on Technical Assistance shall consider the technical assistance needs identified during the review process and make recommendations to the Conference of the Parties on how to assist States parties in their efforts to implement the Convention and the Protocols. As appropriate, States parties shall also provide information to the Working Group on whether technical assistance needs identified in relation to their review reports have been addressed.

45. As a follow-up to its review, a State party may request technical assistance based on the specific needs identified in the review process with a view to improving the capacity of the State party to effectively implement the Convention and the Protocols thereto. The Secretariat shall endeavour to seek voluntary contributions for these purposes, in accordance with the rules and procedures of the United Nations.

46. As a follow-up to its review, each State party is encouraged to share with the Conference and the relevant working groups information on progress achieved in connection with the lists mentioned in paragraph 38 and on any measures planned or undertaken. Additionally, each State party may wish to upload to SHERLOC information on progress achieved. At the end of the review, the Conference may consider further means to report on progress achieved.

VI. Secretariat

47. The Secretariat of the Conference shall be the Secretariat of the Mechanism. The tasks performed by the Secretariat are those indicated in the present procedures and rules.

48. In addition to its tasks provided in paragraph 47, if necessary, the Secretariat may also, upon request and within existing resources of the Mechanism, provide support and assistance to States parties in the conduct of the Mechanism in accordance with the relevant rules and procedures of the United Nations. The tasks envisioned shall not produce an undue burden on the Secretariat or replace tasks that are meant to be carried out by States parties.

VII. Languages

49. The working languages of the Mechanism shall be Arabic, Chinese, English, French, Russian and Spanish.

50. The country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. In exceptional circumstances, the review process may be conducted in three working languages. The Secretariat shall be responsible for providing the required translation as necessary for the efficient functioning of the Mechanism. The States parties are encouraged to conduct the review in only one of the working languages of the Mechanism.

51. States parties may provide for assistance to other States parties that need translation into languages other than the six working languages of the Mechanism through monetary or in-kind contributions. Particular attention should be given to requests from least developed countries and developing countries.

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

52. A State signatory to the Convention or any of the Protocols may participate in the Mechanism as a State under review on a voluntary basis. The costs associated with such participation shall be paid from available voluntary contributions.

IX. Signatories, non-signatories, entities, intergovernmental organizations and non-governmental organizations and the Mechanism

53. In order to promote fruitful engagement with relevant stakeholders, including non-governmental organizations, and in accordance with article 32, paragraph 3 (c), of the Convention, the working groups shall have a con-

structive dialogue on the review process with relevant stakeholders, including non-governmental organizations, as follows:

(a) As a regular practice, constructive dialogues will be convened with relevant stakeholders following the conclusion of the sessions of the working groups and the adoption of the reports. The constructive dialogue shall be conducted by the chair of the working group, assisted by the Secretariat. A panel with representatives of relevant stakeholders, including non-governmental organizations, may be arranged with the assistance of the United Nations Office on Drugs and Crime. The Office shall also endeavour to encourage broad participation and facilitate balanced geographical representation of the non-governmental organizations in these constructive dialogues;

(b) No specific country situation shall be mentioned during the constructive dialogues except by the country under review, which may voluntarily raise matters related solely to its own review;

(c) The constructive dialogue shall also be open to States parties and signatories, non-signatories, entities and intergovernmental organizations;

(d) Non-governmental organizations wishing to attend the constructive dialogue shall confirm their attendance no later than 15 days prior to the date of the dialogue, at which time they will be allowed to provide comments in writing. A list of such applicants will be circulated to States parties no later than 10 days before the constructive dialogue. If there is any objection to the participation of a non-governmental organization, the matter will be referred to the Bureau of the Conference;

(e) Other relevant stakeholders, including representatives of the private sector and academia, may also apply to participate, provided that applications are submitted at least 15 days before the constructive dialogue, at which time they will be allowed to provide comments in writing. A list of such applicants will be circulated to States parties no later than 10 days prior to the constructive dialogue, and the requests should be approved provided that no State party objects;

(f) The chair of the working group may decide not to convene the constructive dialogue if insufficient applications are received by the deadlines set out in subparagraphs (d) and (e) above;

(g) The Secretariat will prepare a programme for the constructive dialogue and background papers to facilitate the engagement of participants;

(h) A written summary of the discussions will be prepared by the chair of the working group and be made available to the working group at its next session;

(i) Such constructive dialogues will 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;

(j) Participants are encouraged to take advantage of the constructive dialogues to provide information on their relevant activities, including those activities related to meeting technical assistance needs.

X. Funding

54. The requirements of the Mechanism and its Secretariat shall be funded, in its entirety, from the existing resources of the regular budget allocated to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, and where necessary, additional costs shall be funded from extrabudgetary resources, including voluntary contributions, without conditions that would impact the impartiality of the Mechanism, to be channelled through a dedicated account to be established by the Secretariat, in accordance with the rules and procedures of the United Nations.

Appendix⁴

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

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

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

⁴The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not party to the United Nations Convention against Corruption.

⁴ For a detailed timeline of the review process: <https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/timeline.html>

Table 2. Multi-year workplan for the functioning of the Mechanism

<i>Year</i>	<i>Organized Crime Convention working groups^a</i>	<i>Working Group on Trafficking in Persons</i>	<i>Working Group on the Smuggling of Migrants</i>	<i>Working Group on Firearms</i>
I–II	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire	Definition of organizational matters and questionnaire
III–VI	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation	Criminalization International cooperation, mutual legal assistance and confiscation
VII–X	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures	Law enforcement and judicial system Prevention, assistance, protection measures and other measures

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

Resolution 10/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Launch of the review process of the Mechanism for the 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 United Nations Convention against Transnational Organized Crime and the Protocols thereto⁵ represent the principal worldwide legal instruments to prevent and combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming also their importance as the main tools available to the international community for this purpose,

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

Recalling also that in article 32 of the Convention it is stated that the Conference shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling further, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, 7/1 of 10 October 2014 and 8/2 of 21 October 2016,

⁵ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

Reaffirming its resolution 9/1 of 19 October 2018, in which it adopted 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 and decided to launch the preparatory phase of the review process,

Taking note of relevant General Assembly resolutions, in particular resolution [74/177](#) of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly welcomed the adoption of Conference resolution 9/1 and urged States parties to implement and support the Mechanism,

1. *Takes note with appreciation* of the work carried out during the preparatory phase of the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto by the open-ended inter-governmental expert group established in accordance with Conference resolution 9/1;

2. *Adopts* the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto, the guidelines for conducting the country reviews and the blueprint for the lists of observations and the summaries, as finalized by the open-ended intergovernmental expert group and annexed to the present resolution;

3. *Decides* to launch the first review phase of the review process in accordance with the thematic clusters and multi-year workplan contained in the appendix to the procedures and rules for the functioning of the Mechanism, contained in Conference resolution 9/1, and with the guidelines for conducting the country reviews;

4. *Takes note* of the information provided by the United Nations Office on Drugs and Crime on the development of the new secure module of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, as requested in paragraph 8 of its resolution 9/1, and requests the Office to finalize the development of the module before the beginning of the review process, which will take place immediately after the drawing of lots referred to in paragraph 17 of the procedures and rules;

5. *Requests* the United Nations Office on Drugs and Crime, in accordance with resolution 9/1 and the annex thereto, including paragraph 54, and

in accordance with the rules of procedure for the Conference of the Parties, to provide training, including online training, to States parties on the use of the new secure module of the Sharing Electronic Resources and Laws on Crime portal;

6. *Requests* the secretariat to convene, no later than six weeks after the adoption of the present resolution, a joint intersessional meeting of the working groups, without interpretation, to draw lots to select the States parties under review and reviewing States parties, in accordance with paragraphs 17, 28 and 29 of the procedures and rules, and to use the automated system developed by the secretariat for the purpose of the drawing of lots in accordance with the procedures and rules;

7. *Stresses* the importance of ensuring under future budget cycles the efficient, continued and impartial functioning of the Mechanism, in accordance with the provisions of the procedures and rules, and decides to consider taking appropriate measures, including, if necessary, requesting the Secretary-General to take appropriate action;

8. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations and with the procedures and rules for the functioning of the Mechanism, including its paragraph 54.

Guidelines for conducting the country reviews

1. During the country reviews, States parties, including their governmental experts, and the secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime are to be guided by the relevant provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and 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 (Conference of the Parties resolution 9/1, annex). Appropriate arrangements should reflect the specific nature and extent of competences of regional organizations that are parties to the Convention and its Protocols.
2. In order to facilitate the efficiency of the Implementation Review Mechanism, States parties and the Secretariat are to use their best efforts to adhere to the indicative timelines contained in the paragraphs and figure below.

I. Beginning of the review process

3. At the beginning of the review process, no later than six weeks after its launch on 16 October 2020, after the tenth session of the Conference of the Parties, a joint intersessional meeting of the working groups shall be held, without interpretation, to draw lots to select the States under review and reviewing States, in accordance with paragraphs 17 and 28 of the procedures and rules for the functioning of the Mechanism.
4. In accordance with paragraph 17 of the procedures and rules, all States are to be divided into three groups to start their reviews. The reviews in the first review phase are to be staggered over three consecutive years, with their start dates as follows: 1 December 2020 for the first group, 1 November 2021 for the second group and 1 November 2022 for the third group.

5. Each State party shall appoint a focal point to coordinate its participation in the review and make this information available on the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal two weeks after the start of its participation in the review process as a reviewing State or a State party under review. States parties are encouraged to provide their focal points' contact information, including email address, office phone number and location and hours of work.

6. States parties should designate governmental experts to carry out the country review four weeks after the start of their participation in the review process as a reviewing State or a State party under review.

7. The Secretariat will provide instructions to States parties on how their focal points, governmental experts and permanent missions can create an account in the secure module of SHERLOC.

II. Preparation by governmental experts

8. The governmental experts are encouraged to prepare themselves by:

(a) Thoroughly studying the Convention and the relevant Protocols, as well as 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 and the present guidelines for conducting the country reviews;

(b) Familiarizing themselves with the official records of the negotiation of the Convention and the relevant Protocols, particularly those parts pertaining to the articles that are the subject of the relevant review phase. The Secretariat will make available on the web page of the Implementation Review Mechanism and on the secure module of SHERLOC a list of useful publications and tools⁶ to support governmental experts in the review process;

(c) Familiarizing themselves with the legal system of the State party under review, including, where applicable, relevant judicial decisions issued by higher national courts of that State. For this purpose, the governmental experts conducting the review may seek support from the State party under review in enhancing their understanding of the legal system of that State;

⁶The list will include the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*.

(d) Familiarizing themselves with any reservation to or declaration on the Convention and its Protocols formulated by the State party under review.

III. Country review

9. Bearing in mind the full text of the relevant questionnaires on the Convention and its three Protocols, during each of the four review phases, as described in the procedures and rules, the State party under review will provide responses to the part of the self-assessment questionnaire pertaining to the cluster being reviewed in that specific phase.

10. Each phase of the country review will comprise the elements contained in the procedures and rules, including: (a) the responses to the relevant part of the self-assessment questionnaire; (b) the written feedback (in the drafting of which States parties are encouraged not to exceed 10,500 words), prepared by the reviewing States, and the constructive dialogue between governmental experts in accordance with paragraph 35 of the procedures and rules; and (c) the preparation and finalization of the lists of observations by the reviewing States parties, in close collaboration and coordination with the State party under review and with the assistance of the Secretariat, as well as summaries of those lists, in accordance with paragraph 38 of the procedures and rules.

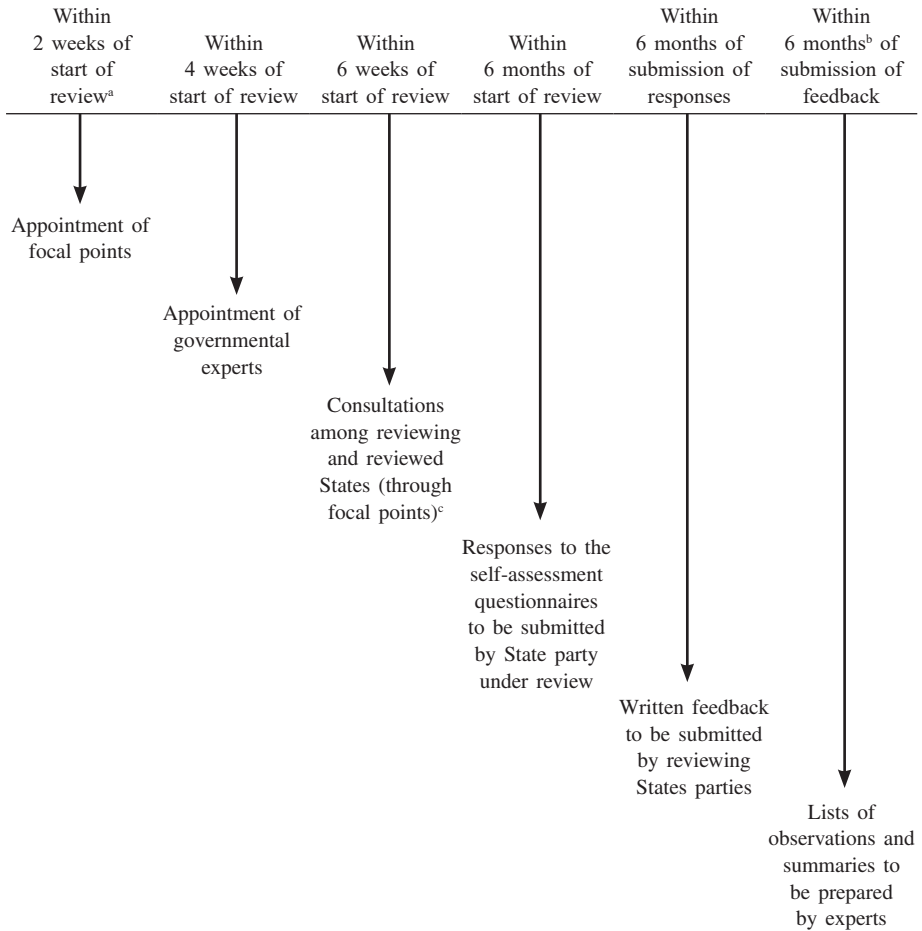
11. The State party under review is to undertake consultations with the reviewing States parties within six weeks of the start of its review, through their focal points and with the assistance of the Secretariat, on the establishment of time frames and the requirements of the country review, in accordance with the present guidelines for conducting the country reviews. The States parties should select the one, two or, in exceptional circumstances, three working language or languages to be used during the review, in accordance with chapter VII of the procedures and rules.

12. When preparing the lists of observations and the summaries thereof, objective and impersonal language will aid understanding. Any abbreviations and acronyms are to be defined upon their first use.

13. If there are grounds for believing that the guiding principles set forth in the procedures and rules have not been respected, the States parties concerned are encouraged to engage in consultations, including on possible

action, bearing in mind the provision contained in paragraph 30 of the procedures and rules.

Timeline of a review process



^a The drawing of lots for all States parties will take place no later than six weeks after 16 October 2020; each year, one third of the States parties will be reviewed. The reviews are to be staggered over three consecutive years, with the start date for each group as follows: 1 December 2020, 1 November 2021 and 1 November 2022.

^b To allow for processing of documentation.

^c The country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. In exceptional circumstances, the review process may be conducted in three working languages.

Blueprint for the list of observations for country reviews⁷

Review by [names of reviewing States parties] of the implementation by [name of State party under review] of article[s] [number(s) of articles; cluster one/two/three/four] of the [United Nations Convention against Transnational Organized Crime] [Protocol supplementing the United Nations Convention against Transnational Organized Crime] in years [...] of review phase [one/two/three/four] of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

I. Introduction

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

2. In accordance with article 32, paragraph 4, of the Convention, the Conference established, at its ninth session, held in Vienna from 15 to 19 October 2018, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

3. The Implementation Review Mechanism is an intergovernmental process, the overall goal of which is to assist States parties in implementing the Convention and the Protocols thereto.

4. The country review is undertaken on the basis of articles 32 and 34 of the Convention, as well as 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 (Conference of the Parties resolution 9/1, annex).

⁷Prepared in accordance with paragraph 15 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.

II. Process

5. The following review of the implementation by [name of State party under review] of [the Convention] [Protocol supplementing the Convention] is based on the completed responses to the self-assessment questionnaire received from [name of State party under review] and any supplementary information provided in accordance with paragraph 19 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, as well as the outcome of the constructive dialogue between the governmental experts from [States parties participating in the review], as foreseen in paragraph 35 of the procedures and rules, by means of [communications archived in the designated confidential module in the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal and other available technological tools, such as virtual networks, conference calls and videoconferences,] and involving [names of experts involved]. The supplementary information provided by the State party under review consisted of the following: [links to reports and relevant pages and titles of other sources]. Those links and electronic copies of those sources are to be made available on SHERLOC.

III. List of observations for the review of [name of the State party under review]

6. As described in paragraphs 38 and 39 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, the State party under review and the reviewing States parties have agreed on the following list of observations regarding the review of [name of State party under review]:

- (a) Gaps and challenges in the implementation of the provisions under review;
- (b) Best practices;
- (c) Suggestions;
- (d) Any technical assistance needs identified to improve the implementation of the [Convention] [Protocol].

Blueprint for the summary of the list of observations for the review of [State party under review]⁸

I. Ratification of the [Convention] [Protocol]

1. [Name of State party under review] deposited its instrument of ratification with the Secretary-General on [date].

II. Implementation of the articles of the [Convention] [Protocol] under review

Articles [numbers of articles]

Observations

- A. [Observations of the governmental experts with regard to gaps and challenges in the implementation of the articles under review.]
- B. [Observations of the governmental experts with regard to best practices in the implementation of the articles under review.]
- C. [Suggestions identified by the governmental experts to improve the implementation of the articles under review.]
- D. [Technical assistance needs identified by the governmental experts to improve the implementation of the articles under review, where applicable.]

⁸ Prepared in accordance with paragraph 15 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. The summaries of the lists of observations are not to exceed 1,500 words in length.

ADDITIONAL RESOURCES

[UNTOC Review Mechanism website](#)

[UNODC SHERLOC Knowledge Management Portal](#)

[The REVMOD platform](#) (available for Focal Points, Governmental Experts and Observers)

[Engagement of non-governmental stakeholders in the UNTOC Review Mechanism](#)



UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, PO Box 500, 1400 Vienna, Austria
Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-5866, www.unodc.org