

Constructive dialogue on the review process 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 (UNTOC) and the Protocols thereto

Summary by the Chair

I. Introduction

1. At its ninth session, 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 thereto¹ through Conference resolution 9/1, which included in its annex the procedures and rules for the functioning of the UNTOC review mechanism.

2. According to paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism and in accordance with article 32, paragraph 3 (c), of the Organized Crime Convention, constructive dialogues with relevant stakeholders, including non-governmental organizations, will be convened as a regular practice, following the conclusion of the sessions of the working groups and the adoption of the reports. The constructive dialogues aim to promote fruitful engagement with relevant stakeholders. 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 constructive dialogue held after the conclusion of the thirteenth session of the Working Group on International Cooperation and the thirteenth session of the Working Group of Government Experts on Technical Assistance, on 27 May 2022, was chaired by the Chair of the Working Groups, Mr. Thomas Burrows, Associate Director for Europe and Senior Counsel for Multilateral Matters, Office of International Affairs, Department of Justice (United States).

4. Twenty-one non-governmental organizations and three other relevant stakeholders (two from the academia and one from the private sector) participated in the constructive dialogue. Written comments that were received in accordance with paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism were made available on the website of the mechanism: (<https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/constructive-dialogues.html>).

5. This document presents the summary of discussions at the above-mentioned constructive dialogues prepared by the Chair of the thirteenth session of two Working Groups.

II. Opening

¹ Hereinafter: UNTOC review mechanism.

6. The Chair delivered introductory remarks, expressing his confidence that the UNTOC review mechanism will greatly benefit from the contributions of relevant stakeholders, including civil society, academia and the private sector.

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

7. Under agenda item 2, the secretariat shared an overview of the status of the review process, which had been launched in October 2020 through conference resolution 10/1, after a two-year preparatory phase. A status report on the progress of the UNTOC review mechanism had also been shared with the Working Group in form of a conference room paper (CTOC/COP/WG.6/2022/CRP.1). The overview also included information on the support provided by UNODC to States parties in the review process and to non-governmental stakeholders.

IV. Collection of inputs and suggestions from participants and provision of information on relevant activities, including those related to meeting technical assistance needs

8. Subsequently, under agenda item 3, the Chair opened the floor to the participants for the collection of inputs and suggestions, including their contributions on ways to improve the implementation of the United Nations Convention against Transnational Organized Crime and the protocols thereto, and the provision of information on relevant activities, including those related to meeting technical assistance needs.

9. Many speakers expressed their appreciation of the momentum provided by the constructive dialogues and stated the high expectations for the process to provide a fruitful platform for exchange and provision of the available local, regional and international expertise. They confirmed their willingness to participate in the discussions on strengthening the prevention of and fight against transnational organized crime, as well as on shaping evidence-based public policy through, inter alia, high-quality empirical research and analysis of the challenges presented by transnational organized crime.

10. A few speakers provided examples of their constructive engagement with governments and called for an increased mutual trust between governments and non-governmental stakeholders. It was referred to a “pilot initiative” in relation to the UNTOC review process, a government-led multi-stakeholder engagement process which enabled non-governmental organizations, representatives from academia and the private sector to provide input. It was hoped that other governments would follow this example to tap into the rich expertise that could be offered by non-governmental stakeholders and recommended an “open-door policy”, as well as the provision of funding for the work of non-governmental

organizations and the need for UNODC to document and make available the process and lessons learned from the “pilot initiative”.

11. Many speakers highlighted the importance of whole-of-society responses to organized crime that include preventive actions, multi-stakeholder cooperation and bolstering of cross-sector responses, such as private-public partnerships. In this regard, some speakers mentioned the important role and significance of the participation of civil society, academia and other stakeholders in the constructive dialogue to promote the implementation of the Convention and the Protocols thereto, and also highlighted the need for States parties and stakeholders to strengthen cooperation to facilitate the implementation of the Convention.

12. Several speakers highlighted, in view of the first thematic cluster under review, the interlinkages between transnational organized crime and other criminal activities, such as crimes affecting the environment, financial crime and corruption, cybercrime, firearms trafficking, offences related to falsified medical products, trafficking in persons, theft of mineral resources and financing of terrorism etc. Countering such linkages, according to several speakers, presents difficulties for criminal justice and law enforcement practitioners due to the lack of required normative frameworks, skills, knowledge, and equipment, with technical assistance playing a key role in alleviating these challenges.

13. The lack of required resources, data and know-how on transnational organized crime in general was highlighted by many speakers, with international cooperation and technical assistance mentioned among the main opportunities to tackle the gaps in knowledge and equipment. Sharing of relevant data was also underscored as a key pathway to strengthening the global regime against organized crime by several speakers who mentioned the role of journalists and media in countering organized crime, as well as the importance of maintaining independent collaborative databases of legal information and best practices in countering transnational organized crime.

14. In relation to crimes affecting the environment, many speakers noted that these offences present a lucrative market for criminal groups, threatening biodiversity, public health and security. Illegal mining, plundering of natural resources, wildlife crime, timber trafficking, and offences related to polluting the environment were highlighted by speakers as dimensions of the multifaceted problem, many of which also bear a transnational character. Negative impacts of such crimes on the communities, including rural and/or indigenous ones, as well as on sustainable development, were also noted by several speakers.

15. Several speakers mentioned the challenges in countering offences related to falsified medical products, which became a highly pressing issue during the COVID-19 pandemic. Furthermore, it was noted the importance of increasing the accessibility of medical products to the population as a means of countering the business model of criminals involved in falsified medical products-related offences. Multiple speakers highlighted the need for assistance to national authorities in assessing and countering the impact of falsified medical products.

16. Several speakers also highlighted the role that corruption plays in exacerbating transnational organized crime and other criminal activities, including crimes affecting the environment, trafficking in persons and offences related to falsified medical products. In that regard, it was proposed to intensify the use of Article 13 of UNTOC to enhance international cooperation in the confiscation of proceeds of crime, including through

strengthening domestic laws, multilateral and bilateral agreements and cooperation procedures.

17. Many speakers also referred to cybercrime and its linkage with organized crime as one of the key emerging threats to global security, which needs to be addressed through multi-stakeholder approaches. It was further highlighted that the challenges presented by cybercrime are exacerbated by its inherently transnational nature, as well as by the access of criminals to sophisticated software and hardware. In that regard, several speakers referred to the ongoing negotiations of the Ad hoc committee to elaborate a comprehensive international convention on the use of ICTs for criminal purposes, underscoring the importance of its outcome document for guiding responses to cybercrime worldwide.

18. Several speakers highlighted the importance of mainstreaming human rights dimensions into responses to organized crime, including through the protection and support of victims (including women and children) in order to ensure non-revictimization. Concern was also expressed over potential implications resulting from the over-securitization of responses to organized crime towards human rights dimensions.

19. Many speakers underscored the vital character of public awareness, advocacy, and education activities in the overall efforts to prevent and counter organized crime and develop community resilience to its challenges. Some speakers also highlighted the need to proactively target youth in prevention and awareness activities.

20. Several speakers highlighted that continuing the constructive dialogue is essential. Many speakers proposed to further increase advocacy and the participation of civil society organizations, including in-person participation, mentioning that civil society plays an invaluable role in the review mechanism, and an incentive to increase government accountability for the implementation of the Convention and for active participation in the mechanism.

21. Some speakers expressed concerns about the current practice that if one state objected to the participation of a non-governmental organization in the constructive dialog, that objection prevented such participation. One speaker responded that the exclusion of the non-governmental organization in question was justified. The chair stated that he had no authority to resolve this issue but he hoped that the Conference of the Parties would settle this matter, as appropriate, at the next session of the Conference.

22. The Chair thanked the participants for their valuable inputs and constructive exchange of views. The Chair also called for the broad participation of civil society in the constructive dialogue and emphasized their vital role in facilitating the implementation of the review mechanism through sharing their experiences and suggestions in a constructive manner, which enriches the discussions and benefits the entire review process and the implementation of the United Nations Convention against Transnational Organized Crime and its Protocols thereto.
