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

Note 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 thereto¹ through its resolution 9/1, which included in its annex the procedures and rules for the functioning of the UNTOC review mechanism.² Following a two-year preparatory phase, the review process of the Mechanism was launched on 16 October 2020, through Conference resolution 10/1. The first review phase starts with the review of the implementation of the thematic cluster of the articles of the Convention and its protocols on criminalization and jurisdiction.
2. This conference room paper contains the updated information on the functioning of the UNTOC review mechanism.

II. Status of the reviews

3. Pursuant to paragraph 12 of the procedures and rules for the functioning of the UNTOC review mechanism, the review process of the review mechanism “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”.³

* CTOC/COP/2022/1.

¹ Hereinafter referred to as the UNTOC review mechanism.

² Accessible at: <https://unodc.org/documents/treaties/UNTOC/Review%20Mechanism/Resolution/English.pdf>.

³ CTOC/COP/2020/10, resolution 10/1, annex I, operative paragraph 12.



The update provided by the secretariat to the working group focuses on the progress of the country reviews.

A. Drawing of lots

4. Pursuant to paragraphs 17 and 28 of the procedures and rules for the functioning of the UNTOC review mechanism, States parties are divided into three groups to start their reviews staggered in three consecutive years. The selection of States parties participating in the country reviews and their reviewing States shall be carried out by the drawing of lots at a joint intersessional meeting of the working groups without interpretation at the beginning of the review process. States parties may request a maximum of four times that the drawing of lots be repeated, and in exceptional circumstances, States parties may request a redraw.

5. Two initial joint intersessional meetings of the working groups were held on 23 November and 14 December 2020. As a result of the drawing of lots which took place during those meetings: 131 countries were selected to participate as part of group one in 62 reviews, 131 countries were selected to participate as part of group two in 63 reviews and 134 countries were selected to participate as part of group three in 64 reviews. The staggered start of the reviews per group of States parties is as follows: 1 December 2020 for the first group, 1 November 2021 for the second group and 1 November 2022 for the third group.

6. In accordance with paragraph 28 (d) and (f) of the procedures and rules for the functioning of the UNTOC review mechanism, the secretariat subsequently organized three joint intersessional meetings of the working groups for the purpose of the repetition of the drawing of lots, on 12 October 2021, 17 February 2022 and 4 May 2022, respectively, following the request of some States parties to repeat the drawing of lots.

7. The updated results of the drawing of lots have been circulated to States parties and can be found on the dedicated website of the UNTOC review mechanism.⁴

B. Nomination of focal points and governmental experts

8. In accordance with paragraph 18 of the procedures and rules for the functioning of the UNTOC review mechanism and paragraph 5 of the guidelines for conducting the country reviews,⁵ each State party shall appoint, within two weeks from the start of the review, a focal point to coordinate its participation in the review and make this information available on the online platform REVMOD which hosts the process of country reviews. In addition, in accordance with paragraph 6 of the guidelines for conducting the country reviews,⁶ States parties should also designate, within four weeks after the start of their participation in the review process, governmental experts to carry out the country review.

9. From the above-mentioned 131 States parties that were selected to participate in the first group of reviews, 27 have not designated a focal point to date.

10. Moreover, with the commencement of the reviews of group two in November 2021, in which 131 States parties participate, the secretariat circulated a note verbale on 13 September 2021 inviting those States parties to nominate focal points and governmental experts in due course. As of September 2022, the secretariat has received nominations of focal points from 96 States parties, 67 of which already had been nominated as part of the review process of group one.

⁴ Accessible at: https://unodc.org/documents/organized-crime/reviewmechanism/DOL_Results_Updated_.pdf.

⁵ CTOC/COP/2020/10, resolution 10/1, annex I.

⁶ Ibid.

11. The overall number of designated governmental experts and focal points for group one and group two reviews is the following: 142 focal points and 835 governmental experts – 30 per cent are females. In addition, 9 States parties have additionally nominated observers. Officials who had been granted access to REVMOD as observers usually have a “read-only” access to the content of the reviews, i.e. they cannot perform any actions nor modify the content.

12. UNODC has worked closely with its Information Technology Service (ITS) to make the details of the designated focal points and governmental experts available in a dedicated database on REVMOD.

C. Status and progress of country reviews

13. In accordance with paragraphs 17 and 28 of the procedures and rules for the functioning of the UNTOC review mechanism and paragraph 4 of the guidelines for conducting the country reviews, the staggered start of the reviews per group of States parties is as follows: 1 December 2020 for the first group, 1 November 2021 for the second group and 1 November 2022 for the third group.

14. As of September 2022, out of the 62 reviews of group one, 32 reviews were advancing. The details on their status are listed below:

(a) Six reviews were at the stage of the preliminary consultation;

(b) Eight reviews were at the stage of filling in the self-assessment questionnaires, with the State party under review currently being in the process of preparing its answers to the questionnaires;

(c) Seventeen reviews were at the stage of the written feedback, currently being prepared by the two reviewing States; while

(d) One review was at the stage of drafting the lists of observations.

15. As of September 2022, out of the 63 reviews of group two, which commenced in November 2021, 26 reviews were advancing. The details are listed below:

(a) Eleven reviews were at the stage of the preliminary consultation;

(b) Thirteen reviews were at the stage of filling in the self-assessment questionnaires, with the State party under review currently being in the process of preparing its answers to the questionnaires;

(c) Two reviews were at the stage of the written feedback, currently being prepared by the two reviewing States.

16. In accordance with paragraph 15 of the procedures and rules mentioned above, each review phase lasts two years by each group of States parties. According to this rule, the review of thematic cluster one on criminalization and jurisdiction would be concluded in December 2022 by the first group States parties and by November 2023 by the second group of States parties.

17. In accordance with paragraph 10 of the above-mentioned procedures and rules, the advancement of a group of States parties to the second phase of the review, consisting of the review of thematic cluster four on international cooperation, mutual legal assistance and confiscation, 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. To date, as shown above, no reviews were completed by the State parties in group one in phase one.

18. In accordance with paragraph 16 of the above-mentioned rules, “the Conference may decide to make amendments to the multi-year workplan if doing so is deemed appropriate in light of the efficient functioning of the Mechanism”.

D. Challenges and recent practices

Delays in nominations

19. The COVID-19 pandemic and its impact worldwide has also affected the progress of the UNTOC review mechanism and the nomination of focal points and governmental experts for the review process.

20. The delay in appointing focal points often affected the timely start of country reviews, in particular when the missing nomination was of the State party under review. Nonetheless, where the focal point(s) of the reviewing States parties were missing, the secretariat encouraged the State party under review to avail the time to start working on its responses to the self-assessment questionnaire, while waiting for the above-mentioned nominations.

21. As of September 2022, 31 out of the 62 reviews of group one that were supposed to start the process in December 2020 had not yet started because of the missing nominations of focal points. In 13 cases the pending nomination was from a State party under review. As regards group two, 37 out of the 63 reviews that were supposed to start in November 2021, had not yet commenced because of missing nominations of the focal point by either the State party under review (16 reviews) or one/both reviewing State parties (21 reviews).

22. In response to the above-mentioned delays, the secretariat, with the strong support from the President of the 10th session of the Conference of the parties, worked closely with Permanent Missions, as well as UNODC regional and country offices to follow-up on the missing nominations, with a positive impact on the process. The States parties which have not yet done so are strongly encouraged to nominate their focal points and governmental experts at their earliest convenience.

Availability and responsiveness of focal points

23. Another factor that impacted the timely start and progress of some reviews is the availability and responsiveness of designated focal points. In many cases focal points could not always ensure a timely and speedy communication with other relevant counterparts. This led to delays in the start of some reviews. To overcome this challenge, the secretariat started facilitating the organization of all preliminary consultations in line with paragraph 11 of the guidelines for conducting the country reviews according to which 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.⁷ As of September 2022, the secretariat facilitated the organization of 35 preliminary consultation meetings. Additionally, a few focal points expressed a difficulty to access the Internet or the lack of necessary equipment for working online, noting that the secretariat mainly provides online support and training for the reviews as per existing resources.

Working language(s) of the reviews

24. In accordance with paragraph 50 of the procedures and rules for the functioning of the UNTOC review mechanism, “the country review process may be conducted in any one or two of the six working languages of the Mechanism”⁸ and in exceptional circumstances in three languages, as agreed upon by the State party under review and the reviewing States parties. In this regard it is noteworthy that the secretariat is unable to support the translation of the written outputs of those reviews with more than one language, due to a lack of voluntary contributions for this purpose, as indicated in paragraph 54 of the procedures and rules for the functioning of the UNTOC review mechanism.

⁷ Ibid.

⁸ CTOC/COP/2018/13, resolution 9/1, annex.

25. As of September 2022, out of the 37 reviews in which the preliminary consultation was already conducted, 57 per cent agreed during the preliminary consultation on the use of only one working language (21 reviews), 18 reviews agreed on English, two on Spanish and one on Arabic and one on French.

26. Eleven of the currently active reviews have opted for two languages: four reviews chose English and Arabic, three reviews chose English and Spanish, three reviews chose English and French, and one review chose English and Chinese. In those cases, different approaches and agreements were taken by States parties in relation to translations. The secretariat has noted a good practice adopted in a few reviews, in which the States parties under review offered to translate their national documents to other languages, in order to facilitate the work of the reviewing States.

27. Additionally, in a few cases, no agreement could be found during the preliminary consultation on the working languages of the reviews in view of the lack of resources for translation. This challenge has impacted the progress of some reviews by causing delays and, in one case, it led to a request for a repetition of the drawing of lots for the review in question.

III. Technical assistance and support provided by the secretariat

28. In accordance with paragraph 54 of the procedures and rules for the functioning of the UNTOC review mechanism, the review mechanism is funded from different sources (mixed model) combining the use of limited existing resources of the regular budget with voluntary contributions. UNODC, as requested by the Conference of the Parties via the procedures and rules, established the Global Programme to Support the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (GLOW97), to manage the voluntary contributions to the review mechanism and ensure its effective operation, including providing secretariat services and support which are funded by contributions.

29. Since 2020, UNODC has, in particular through the established Global Programme mentioned above (GLOW97), briefed and trained over 1,500 government officials (618 women) from 120 States parties on the aspects of the UNTOC review mechanism as well as on the methodology of the review process and the use of REVMOD.

30. UNODC also developed several resources to further support the familiarization of focal points and governmental experts with the UNTOC review mechanism. In particular:

(a) An e-learning module on the UNTOC review mechanism and the use of REVMOD, currently available in Arabic,⁹ English¹⁰ and French;¹¹

(b) Manuals on the use of REVMOD for focal points¹² and governmental experts;¹³ and

(c) A Guide for focal points on the preparation for the preliminary consultation meeting;

(d) A compendium of the main documents adopted by the Conference of the Parties to UNTOC that provide a framework for the functioning of the review mechanism, available in the six official languages.

⁹ Available at: <https://golearn.unodc.org/lms/course/view.php?id=600>.

¹⁰ Available at: <https://golearn.unodc.org/lms/course/view.php?id=534>.

¹¹ Available at: <https://golearn.unodc.org/lms/course/view.php?id=576>.

¹² Available at: https://unodc.org/documents/organized-crime/reviewmechanism/V2_REVMOD_Manual_Reviewer_-_Focal_Point.pdf.

¹³ Available at: https://unodc.org/documents/organized-crime/reviewmechanism/V2_REVMOD_Manual_Reviewer_-_Expert.pdf.

31. Focal points and governmental experts were assisted in setting-up their accounts to access REVMOD and advised on numerous occasions on more substantive and procedural aspects of the review process.
32. There is a growing number of technical assistance needs. In January 2021, a survey was shared with States parties on their assistance needs and preferences on their participation in the review mechanism. Responses were received from 46 States parties across all geographic groups, and the results were as follows:
- (a) 95 per cent of States requested assistance on the operation of REVMOD and/or the structure of the review mechanism;
 - (b) 87 per cent of States requested training on the questionnaire structure;
 - (c) 65.2 per cent of States requested assistance in filing the questionnaire and/or participating in other phases of the review process.
33. An updated survey on technical assistance needs was recently made available to focal points and governmental experts through REVMOD.

IV. Constructive dialogues and engagement with relevant stakeholders

A. Constructive dialogues

34. To promote fruitful engagement with relevant stakeholders, including non-governmental organizations, in accordance with paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism, the constructive dialogues with relevant stakeholder on the review process by the working groups of the Conference of the Parties started in 2022.
35. The four constructive dialogues on the review process conducted in 2022 were convened on 6 May 2022 (following the conclusion of the ninth session of the Working Group on Firearms), 27 May 2022 (following 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) and 1 July 2022 (following the conclusion of the ninth session of the Working Group on Smuggling of Migrants and the twelfth session of the Working Group on Trafficking in Persons). In accordance with paragraph 53 (h) of the procedures and rules for the functioning of the UNTOC review mechanism, written summaries of the discussions were prepared by the chairs, and are available on the website of the UNTOC review mechanism¹⁴, as well as in CTOC/COP/2022/CRP.3.

B. Engagement with non-governmental stakeholders

36. UNODC provides capacity-building for non-governmental stakeholders (NGOs, academia, and the private sector) through, inter alia, its initiative “Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (UNTOC), its Review Mechanism and Related Activities Project (SE4U)”, together with the Global Programme to Support the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (GLOW97), to support the constructive engagement of these stakeholders in the review process, in line with resolution 9/1. To date, over 1,000 non-governmental stakeholders from over 100 countries have been trained on the review process and avenues for cooperation with Member States, through workshops, self-paced online courses (available in Arabic, English, French and

¹⁴ Available at: <https://unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/constructive-dialogues.html>.

Spanish) and additional materials.¹⁵ To facilitate cooperation and networking of relevant non-governmental stakeholders working on organized crime and corruption, the Multistakeholder Knowledge hub “WhatsOn” has been developed as part of the SE4U project and hosts 400 members from 127 countries.

37. In March 2022, the first SE4U Regional network for the Americas was launched with the aim of coordinating non-governmental stakeholder engagement in the review process and sharing experiences on national processes. In April 2022, the first “Pilot initiative”, a government-led multi-stakeholder engagement process, took place in Mexico with the support of UNODC, followed by a similar initiative in Pakistan in September 2022. UNODC also facilitated the establishment of the Civil Society Alliances in Mexico and Pakistan to facilitate the cooperation between governments and civil society on the review process.

V. Summary of observations and general report of trends, patterns and best practices

38. At the final stage of the review phase a list of observations is prepared 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, as well as a summary of the lists of observations, not exceeding 1,500 words, which shall be translated into the six official languages of the United Nations and made available to the Conference and its working groups, in accordance with paragraph 38 of the procedures and rules for the functioning of the UNTOC review mechanism. At the time of submission of the current documentation to the Conference of the Parties, no country review had completed the list of observations and the summary.

39. In accordance with paragraph 19 of the procedures and rules for the functioning of the UNTOC review mechanism, the responses to the self-assessment questionnaires and the list of observations shall be the basis of a general report of trends, patterns and best practices prepared by the secretariat to facilitate the general review held in the plenary. Due to the delays in the completion of the review of implementation under Cluster 1 by the two first groups of States under review, the secretariat was unable to produce, for consideration by the Conference, the general report foreseen in the above-mentioned paragraph.

¹⁵ Among others a “Toolkit on Stakeholder Engagement for the implementation of UNTOC”, available in Arabic, English, French and Spanish and a “Guide for civil society community engagement in the UNTOC review”, available in English, French and Spanish.