

## **Workplan for the implementation of UNTOC COP resolution 9/1 in relation to the preparatory phase of the review mechanism (2018-2020)**

*Approved by the extended Bureau of the Conference of the Parties to UNTOC at its  
seventh meeting on 5 February 2019*

### **Introduction**

The present workplan has been prepared by the Secretariat based on the guidance of the President of the Conference and taking into account the most recent proposals from States parties, and in accordance with resolution 9/1, entitled “Establishment of the mechanism for the review of the implementation of the UNTOC and the Protocols thereto”, adopted by the ninth session of the Conference of the Parties to UNTOC on 19 October 2018.

In accordance with that resolution (OP3), the review process will consist of a preparatory phase of two years plus four review phases, each of which will have a duration of two years. The preparatory phase is to begin in 2018 and will end in 2020, i.e. it will take place throughout the ninth session of the Conference and will end when the tenth session of the Conference begins.

The current workplan relates to the implementation of the preparatory phase of the review mechanism.

The workplan addresses the following tasks, which are the overall objectives and aims of the preparatory phase that will be completed by the start of COP 10:<sup>1</sup>

- The finalization and harmonization of the self-assessment questionnaires for the review of the Convention and its Protocols;<sup>2</sup>
- The preparation of the guidelines for conducting the country reviews and of a blueprint for preparing the lists of observations and the summaries;<sup>3</sup>
- The establishment of a stand-alone account to receive voluntary contributions for the review mechanism;
- The development of a new, secure module under the SHERLOC portal;
- The finalization of the method for drawing lots for the country reviews with due consideration to the membership of each instrument;
- Consideration of other pending issues;
- Other relevant information.

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<sup>1</sup> These objectives and aims do not preclude any others which may be decided by the Conference and/or the open-ended intergovernmental expert group meeting to be established in accordance with resolution 9/1.

<sup>2</sup> Based on the work carried out so far by the Conference working groups; see also OP4 of resolution 9/1, in which the Conference 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 resolution 8/2.

<sup>3</sup> In OP8 of resolution 9/1, the Conference requested the Secretariat, in close consultation with and reflecting inputs from States parties, including via a test phase, to further develop SHERLOC in accordance with the Procedures and rules, and to present it to the Conference at its tenth regular session.

The following table contains an overview of the information contained in the present workplan:

Action to be taken	Possible date(s)	Comments
Finalizing and harmonizing the self-assessment questionnaires	<b>To begin in early 2019, led by States parties, coordinated by the Chair of the open-ended intergovernmental expert group meeting (IEG) under guidance of the Presidency of the Conference of the Parties.</b>	The Chair of the IEG was appointed by the extended Bureau in December 2018.  All work on finalizing and harmonizing the self-assessment questionnaires is deferred to the IEG, which will take over from the working groups in this regard.
Preparation of the guidelines for conducting the country reviews and of a blueprint for the list of observations and for the summaries	<b>By the end of January 2019.</b>	Under preparation by the Secretariat, in order to facilitate the informal consultations of the IEG.
Establishment of a stand-alone account to receive voluntary contributions for the review mechanism	<b>By the end of January 2019.</b>	Under preparation by the Secretariat; the account will be part of the UNODC global programme for the review mechanism.
Formal meeting of the Working Group on Trafficking in Persons	<b>9 to 11 September 2019 (for a total of 2.5 days)</b>	Back-to-back meetings of the Working Groups on Trafficking in Persons and Smuggling of Migrants to discuss substantive topics.
Formal meeting of the Working Group on Smuggling of Migrants	<b>11-13 September 2019 (for a total of 2.5 days)</b>	Back-to-back meetings of the Working Groups on Trafficking in Persons and Smuggling of Migrants to discuss substantive topics.
A formal meeting of the open-ended intergovernmental expert group meeting (IEG)	<b>9 to 11 October 2019 (for a total of 2.5 days)</b>	With a view to finalizing the work carried out informally during the year on the questionnaires, the guidelines, the blueprint, etc.
Development of a new, secure module under the SHERLOC portal	<b>Will begin when the necessary funding is made available; approximate duration – 1 year from time of start.</b>	In consultation with States parties and to be finalized before COP 10 (2020).
Finalizing the method for the drawing of lots for the country reviews	<b>By the end of June 2020.</b>	To be prepared by the Secretariat in consultation with States parties.
Consideration of other pending issues	<b>To be discussed and considered by States parties by the end of June 2020.</b>	These various issues should be formally decided by COP 10 (2020).

## **I. Finalizing and harmonizing the self-assessment questionnaires**

### **Relevant mandates contained in COP resolution 9/1:**

**OP6: Requests the United Nations Office on Drugs and Crime to convene, within existing resources, at least one meeting of an open-ended intergovernmental 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.

**OP7: 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** through informal consultations and requests the Secretariat to support this process, including by preparing the draft of the guidelines and of the blueprints, for consideration by the open-ended intergovernmental expert group.

### **Envisaged implementation**

- **Selecting a Chair to lead the open-ended intergovernmental expert group meeting (IEG)** as soon as possible (already done in December 2018). The President of the Conference and/or a person delegated by him (possibly the Chair of the IEG) could then start working via informal consultations or whichever other method is deemed suitable, before any formal meetings of the IEG are held.
- All work on finalizing and harmonizing the self-assessment questionnaires is deferred to the IEG, which will take over from the working groups in this regard.
- The President and/or the newly appointed Chair of the IEG will make use of informal consultations to advance the substantive work on the questionnaires, the guidelines and all other matters related to the preparatory phase of the review mechanism. Rounds of informal consultations could, for example, be scheduled on the margins of the UNCAC Implementation Review Group, which is scheduled to take place on 27-29 May 2019 and on 2-4 September 2019.
- Any documents prepared or discussed through the informal consultations could be disseminated on a regular basis through the extended Bureau (including through the Regional Groups) so that all States parties have a chance to comment and participate in the process.

● **Agreeing on the meetings that will be held in 2019, including dates and agendas, considering that 7.5 days of meeting entitlements remain (i.e. with interpretation services and document entitlements). The following is the current proposal for scheduling the meetings:**

- 9 to 11 September 2019 (for a total of 2.5 days): A session of the of the Working Group on Trafficking in Persons, to discuss substantive topics.
- 11 to 13 September 2019 (for a total of 2.5 days): A session of the of the Working Group on Smuggling of Migrants, to discuss substantive topics.
- 9 to 11 October 2019 (for a total of 2.5 days): A formal session of the open-ended intergovernmental expert group meeting (IEG), with a view to finalizing the work carried out informally during the year on the questionnaires, the guidelines, and the blueprint.

● The Conference will try to convene all working groups in 2020; working groups that are not held in 2019 should receive priority consideration in 2020, so that all working groups can meet at least one time during the 2019-2020 intersessional period.

● **The above-mentioned plans for the meetings dates and topics will need to be submitted to and approved by the extended Bureau of Conference at its first meeting in 2019.**

## **II. Preparation of the guidelines for conducting the country reviews and of a blueprint for the list of observations and for the summaries**

**Relevant mandates contained in COP resolution 9/1:**

**OP7:** 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 through informal consultations and **requests the Secretariat to support this process, including by preparing the draft of the guidelines and of the blueprints, for consideration by the open-ended intergovernmental expert group.**

### **Envisaged implementation**

● **The Secretariat is preparing first drafts of the guidelines and blueprint, based on the requirements contained in resolution 9/1, and is expected to have them ready by the end of January 2019, for consideration in the informal consultations.**

### **III. Establishment of a stand-alone <sup>4</sup> account to receive voluntary contributions for the review mechanism**

#### **Relevant mandates contained in COP resolution 9/1:**

**Paragraph 54 of the procedures and rules of the review mechanism:** 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 Parties, and where necessary, additional costs shall be funded by extrabudgetary resources, including voluntary contributions without conditions that would impact the impartiality of the mechanism, **to be channelled through a dedicated account to be developed by the Secretariat**, in accordance with the rules and procedures of the UN.

#### **Ongoing implementation**

- The Secretariat is working to establish a stand-alone global programme on the review of the implementation of the UNTOC and its Protocols, in order to establish a dedicated account to accept the voluntary contributions to the review mechanism.
- It is expected that the account for accepting contributions for the review mechanism will be created by the end of January 2019. (As per UNODC Management Instruction (UNODC/MI/2010/02), the creation of an account can be enabled by a cleared concept note of a programme being developed subject to specific conditions. In order to accept contributions from donors as soon as possible, the Secretariat will request an account based on a cleared concept note of the new programme.)
- The Secretariat has started working on the development of a global programme in late October 2018 and plans to put it in operation by the end of April 2019, following UNODC regulations on the development of global programmes.
- As per the above-mentioned mandate, all contributions for the review mechanism will be accepted and managed by the programme. As indicated in the financial statement of resolution 9/1, all activities that are funded by such contributions will be managed and/or coordinated by the global programme. Cooperation with Financial Resources Management Service (FRMS) on administrative arrangements in this area will be ongoing. The extended Bureau of the Conference will be updated in due course regarding the progress of the development of the global programme.

### **IV. Development of a new, secure module under the SHERLOC portal**

#### **Relevant mandates contained in COP resolution 9/1:**

**OP8:** Requests the Secretariat, in close consultation with and reflecting inputs from SPs, including via a test phase, to further develop SHERLOC in accordance with

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<sup>4</sup> This means that the programme will be a separate programme on its own and not be part of any other programme.

the Procedures and Rules contained in the annex to the present Resolution, and to **present it to the Conference for consideration at its tenth regular session.**

#### **Envisaged implementation**

- The Conference Secretariat will work together with the UNODC Information and Telecommunication Services (ITS) to update the business requirements for the development of the new secure module of SHERLOC, which was prepared in March 2017.
- When the funding for the development of the new module and for the P3 position that will carry out the tasks related to preparing and managing the new module is available, the business requirements will be submitted to States parties for comments and finalization; this may be done through informal consultations to be held by the President or through the extended Bureau.
- A test phase will then begin, based on the feedback and guidance provided by States parties.
- The new module will be further revised based on the results of the test phase.
- The new module will be presented to the tenth session of the Conference, to be held in October 2020.
- It must be noted that **the estimated time required for the development of the secure module is one year.**

### **V. Finalizing the method for the drawing of lots for the country reviews**

#### **Relevant mandates contained in COP resolution 9/1:**

**Paragraphs 17 and 28** of the procedures and rules prescribed the criteria for the drawing of lots with a view to selecting the reviewing State parties for each country under review, which is complex as the four instruments are to be reviewed as a package.

#### **Envisaged implementation**

- States parties may wish to consider practical arrangements to simplify the pairing procedure. The Secretariat will prepare a work flow for the drawing of lots, including suggestions for its simplification, and carry out a simulation based on the guidance of States parties **by the end of June 2020.**

### **VI. Consideration of other pending issues**

States parties will need to consider the following pending issues related to the implementation review process, by the **end of June 2020** and submit proposals to the tenth session of the Conference for consideration and approval.

States parties could, in the meantime, consider such matters through informal consultations led by the President and/or the Chair of the IEG, as appropriate.

The pending issues are the following:

● **Distribution of review tasks among the Working Groups**

- As per paragraph 13 of the procedures and rules, the discussions pertaining to country reviews will be undertaken in the relevant working groups.
- In the multi-year workplan for the functioning of the mechanism, appended to the procedures and rules, the Working Group on International Cooperation and the Working Group on Technical Assistance were tasked with discussing the review of the implementation of the Convention. However, the procedures and rules did not specify how this work would be distributed among the two working groups, e.g. whether through joint sessions or through the thematic separation of clusters.

To ensure that the Working Group on International Cooperation fulfils its existing mandate more effectively, the Secretariat would propose that this working group only reviews the thematic cluster on international cooperation and that the Working Group on Technical Assistance reviews the other clusters. The decision would also need to be made by the tenth session of the Conference, in 2020.

● **New States parties to the Convention and its Protocols**

- The procedures and rules are silent regarding the participation in the review mechanism of new States parties who ratify or accede to the Convention or any of its Protocols after the start of the review process. As the selection of reviewers for each State party under review will be carried out only once at the beginning of the eight-year review process, the participation of new States parties in the review as reviewers will need to be considered.
- In particular, it is not clear how/when a new State party would engage in the review process in case it ratifies or accedes to the Convention or one of its Protocols after the review process has started. States parties may thus need to consider the opportunity for a voluntary buffer period after the ratification or accession and before starting the review process so as to allow the new State party to start the implementation and prepare for the subsequent review.
- The Secretariat could make a proposal in this regard by the end of **September 2019** for consideration by States parties.

**VIII. Other relevant information**

● **Development of a webpage dedicated to the review mechanism**

- The Secretariat has developed a webpage on the review mechanism, under the subsection on the Conference of the Parties to UNTOC, that can be accessed at the following address:

<http://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc.html>

- The page is under development and will include all relevant information publicly available on the review mechanism, a link to SHERLOC and relevant links to the topic of organized crime as well as to existing UNODC and external resources and tools that could facilitate the review process.

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