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English only

**Conference of the Parties to the United Nations
Convention against Transnational
Organized Crime**

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Item 2 of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Transnational Organized Crime**

**Evaluation of the pilot programme to review
implementation of the United Nations Convention against
Transnational Organized Crime**

Report of the Secretariat

I. Introduction

1. In its decision 4/1, the Conference of the Parties noted that it was necessary to explore options regarding an appropriate and effective mechanism to assist the Conference in the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. This is consistent with article 32 of the Convention, according to which the Conference has the responsibility to promote and review the implementation of the Convention, and is to agree upon mechanisms to achieve its objectives.

2. Pursuant to decision 4/1, as well as in accordance with the decision of the extended Bureau of the Conference and the recommendations of the second meeting of experts on possible mechanisms to review implementation of the Convention and its Protocols, UNODC launched a pilot programme to review implementation of the Convention in March 2010. The pilot review programme was conceived as a technical assistance project to assist interested States parties in undertaking a detailed evaluation of their compliance with selected provisions of the Convention and to exchange expertise and best practices. In addition to these substantive outputs, the programme was also intended to test the feasibility and modalities of a

* CTOC/COP/2012/1.



review mechanism in order to aid the Conference in its consideration of possible review mechanism(s).

3. The following eleven States volunteered to participate in the programme: Chile, Colombia, France, Indonesia, Italy, Mexico, Peru, the Philippines, Romania, Serbia and the United States of America. The programme was organized in two complementary tracks. Track one followed the peer-review model and had a country-level focus, while track two sought to analyse general trends and make general recommendations based on experts' discussions. A detailed description of this process and of the lessons learned was prepared, in close consultation with the States that participated in the pilot programme, and was presented to the fifth session of the Conference for its consideration.¹

4. After the pilot review programme concluded in April 2012, an evaluation questionnaire was circulated to participating States in order to give them a final opportunity to share their insights and experience. The responding States gave an average rating of 4.2 out of 5 to the pilot review programme, with more than half of them giving it the top grade. The findings and lessons learned are summarized below.

II. Impact of and benefits gained from the pilot programme

A. Impact of the pilot programme in the country

5. All the responding States indicated that the pilot programme had helped them to ascertain ways and means to strengthen implementation of the Organized Crime Convention. They considered that it had been particularly helpful at identifying implementation gaps and providing practical advice on the development of efficient policies against transnational organized crime. One State, in particular, indicated that the programme had helped it realize that it had not yet substantially complied with certain criminalization and international cooperation requirements of the Convention. Another State pointed out that the programme had contributed to the review and subsequent amendment of its legislation. Most States also indicated that the overall review exercise contributed to strengthening inter-agency coordination, as well as international cooperation.

B. Benefits gained from the pilot programme by Governments

6. Responding States expressed particular appreciation for the opportunity to share knowledge and experience with other States parties and to identify best practices that could be possibly replicated in their own countries. One responding State explained that its participation in the programme testified to its conviction that multilateralism was the right path to finding global solutions to common challenges. The pilot review programme gave Governments the opportunity to demonstrate their openness, their willingness to receive constructive recommendations and to show all

¹ See CTOC/COP/2010/CRP.1, which is available in the six official languages of the United Nations on the UNODC website: www.unodc.org/unodc/en/treaties/CTOC/CTOC-COP-session5.html.

the energies deployed (legislative, material and human) to the fight against organized crime.

C. Benefits gained by the experts

7. Most responding States reported that, due to their participation in the pilot programme, their experts achieved a better understanding of the requirements of the Convention. They also gained useful insight about the differences in legal systems that lead to different approaches in combating transnational organized crime. Experts also conveyed their satisfaction with the programme, which supported their work by giving them the opportunity to establish contacts with their peers and exchange views with regional and international counterparts.

D. Usefulness of country visits

8. All the respondents who participated in the country visits found them very useful. They considered that country visits enabled an in-depth and constructive review of relevant provisions of the Convention, fostered mutual understanding and helped reviewers to get a better picture of actual implementation issues and resources dedicated to fight organized crime. For this reason, one of the respondents considered that the country visit was an essential element of the review. Country visits also provided an excellent opportunity to share experiences in the implementation of the Convention. They offered the occasion to experts from different countries to meet and get to know each other, thus encouraging direct communication and strengthening international cooperation.

III. Challenges encountered during the pilot programme

9. The biggest challenges identified by responding States were the time constraints and language barriers. This was mostly due to the specific circumstances of the pilot review programme, which operated under a short time frame and in English only, due to the limited resources available. For example, the fact that some pieces of legislation could not be translated hampered some reviews. The reviewers also encountered difficulties in understanding the comments and legislations which were unofficially translated.

10. Moreover, it was found that accurate interpretation was essential to conducting a clear and fair review. Therefore, several States stressed that timely and adequate translation of documents and interpretation in the official languages of the United Nations should be an essential element of reviews. Responding States also recommended that experts participating in the review speak one of the official languages fluently. One responding State added that it would be important to present the findings and outcomes of individual reviews in the local language or in the preferred language of communication from among the six official languages of the United Nations.

11. All respondents found it difficult to identify the right experts in a timely fashion. They also indicated that they faced challenges due to the diverse legal systems and traditions. A problem with the installation of the Omnibus survey

software was encountered in one of the reviews and was subsequently solved. This prompted one of the respondents to comment on the need for assistance and training on the use of the software.

IV. Role of the Secretariat during the pilot programme

12. Responding States widely acknowledged the significant role played by the Secretariat in the review process, giving it an average grade of 4.8 out of 5. UNODC fulfilled functions of both substantive and practical nature. UNODC staff ensured overall coordination, organized video- and teleconferences and drafted country reports, since the Government experts' workload did not permit them to dedicate sufficient time to this. During country visits, UNODC's team fostered discussions, provided guidance and, when necessary, also served as ad-hoc interpreters. Indeed, in one out of the three country visits, the Secretariat played a significant role in facilitating the discussion between the two reviewing experts who were not able to communicate in the same language. Interpretation services were provided by the host country during the official meetings, but during the working time on the country report and for the preparation of the questions, the Secretariat had to serve as an ad-hoc interpreter.

V. Recommendations based on the lessons learned from the pilot programme

13. On the basis of the answers to the evaluation questionnaire of the pilot programme, States may wish to consider the following recommendations in the context of the establishment of the review mechanism:

(a) Adequate translation of documents and interpretation in the languages of the United Nations is essential in conducting an accurate review of implementation of the Convention and the Protocols thereto. Sufficient resources should be made available for the accurate translation of all the documents required for the review as well as for official interpretation during meetings and country visits in particular;

(b) Training programmes should be delivered by the Secretariat to experts from the reviewing and reviewed countries on the review of the implementation of the Convention. Training programmes should take into account the differences of legal systems;

(c) Full advantage should be taken of the active dialogue phase through tele- and videoconferences;

(d) Country visits should be conducted in every requesting State to enable an in-depth assessment of the implementation of the Convention and the Protocols thereto;

(e) Experts should inform the Secretariat as soon as possible of difficulties encountered with the installation or use of the Omnibus survey software so that immediate technical assistance could be provided and a smooth start to the review process is ensured;

(f) In the interest of time, States should in advance identify relevant experts for each subject area of the Convention and its Protocols.
