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

Sixth session
Vienna, 15-19 October 2012
Item 2 of the provisional agenda*  
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Mexico: draft resolution


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

Recalling its resolution 5/5 entitled “Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”,

Reaffirming that the purpose of the United Nations Convention against Transnational Organized Crime and the Protocols thereto is to promote cooperation to prevent and combat transnational organized crime more effectively, and stressing the need to take additional concerted action in order to reinforce the implementation of the Convention and identify related technical assistance needs,

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

Recalling also that article 32 of the Convention provides that the Conference shall 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 to them and through such supplemental review mechanisms as it may establish,

* CTOC/COP/2012/1.
Recognizing the importance of effectively addressing technical assistance within any such mechanisms,

Stressing the role of technical assistance as a cross-cutting issue for the effective implementation of the Convention and the Protocols thereto,

Welcoming the role and contributions of signatories, non-signatories, entities and intergovernmental organizations in the work of the Palermo Implementation Review Group,

Welcoming also the important role of civil society in combating transnational organized crime and promoting implementation of the Convention and the Protocols thereto, including through the facilitation of the provision of technical assistance, as well as in providing services to victims of organized crime, particularly victims of trafficking in persons and smuggled migrants,

Conscious of the need for a review mechanism that is efficient, cost-effective, sustainable and impartial, that is not unduly burdensome and that takes into account the information already gathered by States parties and signatories through their efforts in implementing the Convention and the Protocols thereto,

1. Takes note with appreciation of the work undertaken by the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, at its two sessions and its informal consultations;

2. Adopts, subject to the provisions of the present resolution, the terms of reference of the Mechanism for Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the guidelines for governmental experts and the Secretariat in the conduct of country reviews, the blueprint for country review reports and executive summaries, the indicative thematic distribution of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the executive summary template, contained in annexes I to V to the present resolution;

3. Decides that the review cycles will have a duration of five years each and that the first cycle shall be devoted to reviewing the articles relating to the cluster on criminalization and international cooperation (mutual legal assistance and extradition) as identified in annex IV to the present resolution;

4. Requests the Palermo Implementation Review Group to consider and make recommendations to the Conference at its eighth session as to the thematic clusters and allocation of articles to be reviewed in subsequent cycles, bearing in mind the report of the working group on its second session;

5. Reiterates its decision that, following the recommendation of the working group, the comprehensive self-assessment checklist, as improved by the Secretariat based on the comments received from States parties, shall be used to facilitate the gathering of information on implementation of the Convention and the Protocols thereto, and requests the Secretariat to distribute the finalized comprehensive self-assessment checklist to States parties as soon as possible to begin the process of information-gathering;
6. *Requests* States parties to complete and return the self-assessment checklist to the Secretariat according to the time frame established in the guidelines for governmental experts and the Secretariat in the conduct of country reviews;

7. *Requests* the Palermo Implementation Review Group to give continuing consideration to the comprehensive self-assessment checklist and to make recommendations to the Conference as to possible improvement of the checklist;

8. *Recommends* that all States parties, where applicable, in their responses to their comprehensive self-assessment checklists and in the country reports, identify technical assistance needs, preferably prioritized, so as to allow an adequate consideration of the issue by the Palermo Implementation Review Group;

9. *Notes* the development by the Secretariat of the knowledge management portal, invites Member States to collaborate with the Secretariat in the further development and expansion of that portal and encourages the Secretariat to develop technical guides on how to elicit information on implementation of the provisions of the Convention and the Protocols thereto;

10. *Decides* to apply the rules contained in annex [...] to the present resolution with regard to the participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Palermo Implementation Review Group, and encourages them to report to the Conference and/or the Palermo Group, as appropriate, on their activities and contributions to the implementation of the recommendations and conclusions of the Palermo Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention and the Protocols thereto;

11. *Welcomes* the positive role of civil society in promoting the implementation of the Convention and the Protocols thereto;

12. *Underlines* that the Mechanism will require a budget that ensures its efficient, sustainable and impartial functioning, and stresses the need for planning and using resources efficiently, effectively and in a transparent way;

13. *Decides* that the Palermo Group shall be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance, and that the Open-ended Intergovernmental Working Group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall be subsumed into the Palermo Group;

14. *Requests* the Secretary-General to include in the budget proposal for the biennium 2014-2015 the estimated resource requirements for the functioning of the Mechanism;

15. *Decides* that the Palermo Group shall assist the Conference in the fulfilment of its responsibility to consider the budgetary requirements of the Mechanism by engaging with the Secretariat during the intersessional period with regard to expenditures and projected costs of the Mechanism, and in order to achieve cost-saving measures, including the continual assessment of the assumptions for the work of the Mechanism, such as the length of the
documentation and meetings of the Palermo Group, without creating a negative impact on the quality of information and of the review process;

16. Requests the United Nations Office on Drugs and Crime, in furtherance of the budget consideration function and consistent with the financial rules and regulations of the United Nations, to support the Palermo Group by:

(a) Providing the Palermo Group with financial information on expenditures and projected costs related to the Mechanism, in a format and at intervals to be agreed by the Secretariat and the Palermo Group;

(b) Engaging in a dialogue, as appropriate, with the Palermo Group prior to finalizing its submissions relating to the finances of the Mechanism for each biennial regular budget;

17. Requests the Palermo Group to conduct its evaluation of the terms of reference, as well as the challenges encountered during the country reviews, in addition to the effectiveness, including cost-effectiveness, of the Mechanism, at the conclusion of each review cycle and to report to the Conference on the outcome of those evaluations, including possible recommendations;

18. Also requests the Palermo Group to conduct midterm assessments as per the operation of the Mechanism and its effectiveness, including cost-effectiveness, and to report to the Conference at each regular session on the outcome of those assessments, including possible recommendations geared to improving the effectiveness and efficiency of the Mechanism;

19. Decides to include on its agenda an item on the Mechanism that, inter alia, allows States parties to take stock of the activities undertaken within the framework of the Mechanism, assess its functioning and effectiveness, including its cost-effectiveness, and take into account the lessons learned, including from the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, where appropriate.
Annex I


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Preamble

1. Pursuant to article 4, paragraph 1, of the United Nations Convention against Transnational Organized Crime,\(^a\) which states that States parties shall carry out their obligations under the Convention 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, with due regard to article 37 of the Convention and article 1, paragraph 2, of each of the Protocols thereto,\(^b\) the Conference of the Parties to the United Nations Convention against Transnational Organized Crime establishes the following Mechanism for the Review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto.\(^c\)

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\(^b\) Ibid., vols. 2237, 2241 and 2326, No. 39574.

\(^c\) This is understood throughout to mean the Protocols to which a State is party.
I. Introduction

2. The Mechanism for the Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto (hereinafter “the Mechanism”) includes a review process that shall be guided by the principles contained in sections II and III below and be carried out in accordance with the provisions contained in section IV. The Mechanism shall be supported by a secretariat as set out in sections V and VI and be financed in accordance with section VII.

II. Guiding principles and characteristics of the Mechanism

3. 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 shall 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 an outcome;
   (h) Identify, at the earliest stage possible, 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 in order that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of effort.

4. The Mechanism shall be an intergovernmental process.

5. In conformity with article 4 of the Convention, the Mechanism shall not serve as an instrument for interfering in the domestic affairs of States parties but shall respect the principles of equality and sovereignty of States parties, and the review process shall be conducted in a non-political and non-selective manner.
6. The Mechanism shall promote the implementation of the Convention and its Protocols by States parties, as applicable, as well as cooperation among States parties.

7. The Mechanism shall provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime.

8. The Mechanism shall 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.

9. The review of implementation of the Convention is an ongoing and gradual process. Consequently, the Mechanism shall endeavour to adopt a progressive and comprehensive approach.

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

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

IV. Review process

A. Goals

11. Consistent with the Convention, in particular article 32, the purpose of the review process shall be to assist States parties in their implementation of the Convention and its Protocols, as applicable. In this regard, the review process, inter alia, shall:

   (a) Promote the purposes of the Convention as set out in its article 1;

   (b) Promote the purposes of the Protocols to the Convention, as set out in article 2 of each of the Protocols;

   (c) Provide the Conference with information on the measures taken by States parties in implementing the Convention and, where applicable, the Protocols thereto, as well as the difficulties encountered by them in doing so;

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

   (e) Promote and facilitate international cooperation in the prevention of and the fight against transnational organized crime;

   (f) Provide the Conference with information on trends, successes, good practices, challenges and technical assistance needs of States parties in implementing and using the Convention and its Protocols;

   (g) Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention and its Protocols.
B. Country review

12. The Mechanism shall be applicable to all States parties. It shall progressively cover the implementation of the Convention and its Protocols.

13. The review of all States that are parties to the Convention at the start of a review cycle should be completed before a new review cycle begins. In exceptional cases, however, the Conference may decide to launch a new review cycle before the completion of all reviews of the previous cycle. No State party shall undergo a review twice in the same review cycle, without prejudice to the right of a State party to provide new information. In the review cycle, review of a State party’s implementation should include that State’s implementation of the Convention and all the Protocols thereto to which it is a party. In order to organize the reviews, each review cycle will cover selected issues addressed in the Convention and its Protocols.

14. The number of States parties from each regional group participating in the review process in a given year shall be proportionate to the size of that regional group and the number of its members that are States parties to the Convention. The selection of States parties participating in the review process in a given year of a review cycle shall be carried out by the drawing of lots at the beginning of each review cycle. A State party selected for review in a given year may, with a reasonable justification, defer participation to the following year of the review cycle. States parties not yet due to be under review for a given year may volunteer to be reviewed.

15. Each State party shall provide to the secretariat the information required by the Conference on its compliance with and implementation of the Convention and its Protocols, as applicable, using the comprehensive self-assessment checklist adopted by the Conference as an initial step for that purpose. States parties shall provide complete, up-to-date, accurate and timely responses.

16. Assistance in the preparation of the responses to the questions on the checklist shall be provided by the secretariat to States parties requesting such assistance.

17. Each State party shall appoint a focal point to coordinate all aspects of its participation in the review. Each State party shall endeavour to appoint, as a focal point, a person or persons with substantive expertise on the provisions of the Convention and the Protocols thereto to which the State under review is party.

1. Conduct of the country review

18. Each State party to the Convention shall be reviewed by two other States parties to the Convention. Each State party to a Protocol shall be reviewed by two other States parties to the same Protocol. The review process shall actively involve the State party under review.

19. Reviewing States parties may be parties to more Protocols to the Convention than is the State under review.

20. One of the two reviewing States parties shall be from the same geographical region as the State party under review and shall, if possible, be a State with a legal system similar to that of the State party under review. The selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each
year of the cycle, with the understanding that States parties shall not undertake mutual reviews. The State party under review may request, a maximum of two times, that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice.

21. A State party under review may decline to serve as a reviewing State party that same year. A State party selected as a reviewing State may decline to serve as a reviewing State an additional time in that year. In either case, the drawing of lots shall be repeated. By the end of a review cycle, each State party must have undergone its own review and, as a reviewing State party, performed a minimum of one review and, as a general rule, a maximum of three reviews. Efforts should be made to have the widest range of reviewing States.

22. Each State party shall appoint up to 15 governmental experts for the purpose of the review process. Such experts should have expertise in relevant areas to be covered in the review cycle, including on issues pertaining to the Protocols to which that State is a party.

23. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile and circulate a list of such governmental experts, which shall include information on their professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the respective review cycle. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date.

24. The reviewing States parties shall carry out, in accordance with the guidelines for governmental experts and the secretariat in the conduct of country reviews, (hereinafter “the guidelines”) a desk review of the responses to the questions on the comprehensive self-assessment checklist by the State party under review. The desk review shall entail an analysis of the response focused on measures taken to implement the Convention and the Protocols thereto and on successes in and challenges of implementation.

25. In accordance with the guiding principles set out in section II and in conformity with the guidelines, the reviewing States parties, supported by the secretariat, may request the State party under review to provide clarifications or additional information or to address supplementary questions related to the review. The ensuing constructive dialogue may be carried out, inter alia, by way of conference calls, videoconferences or e-mail exchanges, as appropriate.

26. The schedule and requirements of each country review shall be established by the secretariat in consultation with the reviewing States parties and the State party under review and shall address all issues relevant to the review. The reviews should ideally be designed to take no longer than six months.

27. The country review shall lead to the elaboration of a country review report based on the blueprint.

28. The country review shall be carried out as follows:

   (a) The desk review shall be based on the responses to the questions on the comprehensive self-assessment checklist and any supplementary information provided by the State party under review;
(b) In the context of the constructive dialogue between the governmental experts, the State party under review shall facilitate the exchange of information relevant to the implementation of the Convention and the Protocols thereto to which the State party under review is a party;

(c) If the State party under review is a member of a competent international or regional organization whose mandate covers issues relevant to the review, the reviewing States parties may consider information relevant to the implementation of the Convention produced by that organization.

29. The State party under review shall endeavour to prepare its responses to the questions on the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector.

30. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna, in accordance with the guidelines.

31. States parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit.

32. The reviewing States parties and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.

33. The secretariat shall organize periodic training courses for experts who participate in the review process, in order to familiarize them with the guidelines and increase their capacity to participate in the review process.

2. Outcome of the country review process

34. The reviewing States parties shall, in accordance with the guidelines and the blueprint, prepare a country review report, including an executive summary of the report, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention and its Protocols. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention and its Protocols.

35. The country review report, including the executive summary, shall be finalized upon agreement between the reviewing States parties and the State party under review.

36. The secretariat shall compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports and include them, organized by theme, in a thematic implementation report and regional supplementary addenda, for submission to the Palermo Implementation Review Group (Palermo Group).

37. The executive summaries of all finalized country review reports shall be translated into the six official languages of the United Nations and be made available as documents of the Palermo Group for information purposes only.
38. The country review reports shall remain confidential.

39. The State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof.

40. In order to improve and strengthen cooperation and learning among States parties, States parties shall, upon request, endeavour to make country review reports accessible to any other State party. In situations where the State under review has not exercised its sovereign right to publish its country review report or parts thereof as set forth in paragraph 39, the requesting State party shall fully respect the confidentiality of such reports or parts thereof.

C. Palermo Implementation Review Group

41. [The Palermo Implementation Review Group (Palermo Group) shall be an open-ended intergovernmental group that shall operate under the authority of and report to the Conference. The rules of procedure of the Conference shall apply to the Palermo Group. The participation of observers in the meetings of the Palermo Group shall be permitted as provided for in the rules of procedure, unless the Palermo Group decides otherwise.]

[The Palermo Implementation Review Group (Palermo Group) shall be an open-ended intergovernmental group of States parties. It shall operate under the authority of and report to the Conference.]

42. The Palermo Group shall hold meetings at least once a year in Vienna.

43. The functions of the Palermo Group shall be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention and the Protocols thereto. States parties are encouraged to engage in expert deliberations at meetings of the Palermo Group, including on trends, emerging implementation issues and technical assistance needs. The thematic implementation report shall serve as the basis for the analytical work of the Palermo Group. On the basis of its deliberations and exchanges of views, the Palermo Group shall submit recommendations and conclusions to the Conference for its consideration and approval.

D. Follow-up procedures

44. In the following review phase, each State party shall submit information in its responses to the questions on the comprehensive self-assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by them in relation to their country review reports have been provided.

E. Conference of the Parties

45. The Conference shall be responsible for establishing policies and priorities related to the review process.

46. The Conference shall consider the recommendations and conclusions of the Palermo Group.
47. The Conference shall establish the phases and cycles of the review process, as well as the scope, thematic sequence and details of the review. The Conference shall determine the duration of each review cycle and decide on the number of States parties that shall participate in each year of the review cycle, taking into account the number of States parties to be reviewed and the scope of the cycle.

48. The Conference shall endorse any future amendments to the terms of reference of the Mechanism. Following the completion of each review cycle, the Conference shall assess the performance of the Mechanism and its terms of reference.

V. Secretariat

49. The secretariat of the Conference shall be the secretariat of the Mechanism and shall perform relevant tasks required for the efficient functioning of the Mechanism, including providing technical and substantive support, upon request, to States parties in the course of the functioning of the Mechanism.

VI. Languages

50. The working languages of the Mechanism shall be Arabic, Chinese, English, French, Russian and Spanish, subject to the provisions of this section.

51. The country review process may be conducted in any of the working languages of the Mechanism. The secretariat shall be responsible for providing the required translation and interpretation into any of the working languages of the Mechanism, as necessary for its efficient functioning.

52. The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translation and interpretation into languages other than the six working languages of the Mechanism.

53. The executive summaries of the country review reports and the thematic implementation report shall, as documents of the Conference, be published in the six working languages of the Mechanism.

VII. Funding

54. The requirements of the Mechanism and its secretariat shall be funded from the regular budget of the United Nations.

55. The requirements set out in paragraphs 30 and 33 relating, inter alia, to the requested country visits, the joint meetings at the United Nations Office at Vienna and the training of experts, shall be funded through voluntary contributions, which shall be free of conditions and influence that may impede the impartiality of the Mechanism.

56. Well in advance of the beginning of the budget cycle, the secretariat shall prepare a draft detailed biennial budget for consideration and possible adoption by the Conference. The budget shall ensure the efficient, continued and impartial functioning of the Mechanism. The budget shall also include a section detailing the secretariat’s efforts to undertake cost-saving measures.
57. Adequate financial and human resources must be provided to the secretariat to enable it to perform the functions assigned to it in the present terms of reference.

VIII. Participation of signatories to the Convention in the Mechanism

58. A State signatory to the Convention may participate in the Mechanism as a State under review on a voluntary basis. The costs associated with such participation shall be paid from voluntary contributions available or provided for this purpose.

59. The practicalities for such participation will be decided by the Palermo Group.

Annex II

Guidelines for governmental experts and the secretariat in the conduct of country reviews

I. General guidance


2. In particular, governmental experts shall bear in mind article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States, with due regard for article 37 of the Convention and article 1, paragraph 2, of each of the Protocols thereto.

3. Furthermore, governmental experts shall carry out the reviews in full recognition of the purpose of the review process as specified in paragraph 11 of the terms of reference.

4. During all interactions within the review process, governmental experts shall respect the collective approach. Governmental experts are expected to act with courtesy and diplomacy and shall remain objective and impartial. Governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.

5. Governmental experts shall work on the basis of consensus.

6. Governmental experts and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process, as well as the country review report, as stipulated in the terms of reference. If there are serious grounds for believing that a governmental expert or a member of the secretariat has violated the obligation of confidentiality, the States parties concerned or the secretariat may inform the Implementation Oversight Group for appropriate consideration and action, including referring the matter to the Conference.
7. It is also expected that governmental experts are not to be influenced in their assessment of the implementation of the Convention. While information generated through competent regional and international organizations of which the State party under review is a member and whose mandates cover issues relevant to the review of the implementation of the Convention and its Protocols is to be taken into account, governmental experts shall make their own analysis of the facts provided by the State party under review in order to present findings that are in line with all the specific requirements of the provisions of the Convention and the Protocols thereto under review.

8. Throughout the review process, governmental experts are encouraged to contact the secretariat for any assistance required.

II. Specific guidance for the conduct of the review

9. In accordance with the terms of reference and consistent with the importance of ensuring the efficiency and effectiveness of the review process, reviews shall be conducted in a spirit of constructive collaboration, dialogue and mutual trust.

10. States parties and the secretariat shall endeavour to adhere to the indicative timelines set out in the paragraphs below.

11. The governmental experts shall prepare themselves by:

   (a) Studying thoroughly the Convention and the Protocols thereto and the terms of reference of the Mechanism, including the present guidelines;

   (b) Familiarizing themselves with the Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto\(^a\) and the Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto,\(^b\) particularly those parts pertaining to the articles that are the subject of the relevant review cycle;

   (c) Reviewing the responses provided by the State party under review in its comprehensive self-assessment checklist and supplementary documentation and familiarizing themselves with the issues addressed by the State party under review;

   (d) Informing the secretariat if additional information and material are required and highlighting issues requiring further clarification.

12. The Secretariat shall organize periodic training courses for governmental experts who participate in the review process so that they can familiarize themselves with the guidelines and increase their capacity to participate in the review process.

13. The secretariat, within one month after the drawing of lots, shall officially inform the State party under review and the reviewing States parties of the date of the beginning of the conduct of the country review, as well as of all relevant procedural matters, including the schedule for the training of experts and a provisional schedule for the country review.

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\(^{a}\) United Nations publication, Sales No. E.05.V.2.
\(^{b}\) Ibid., Sales No. E.06.V.5.
14. The State party under review, within one month after being officially informed, shall appoint a focal point to coordinate its participation in the review, including intergovernmental communications, in accordance with paragraph 17 of the terms of reference, and inform the secretariat of that focal point. The secretariat shall assign a staff member to each review.

15. The secretariat shall undertake consultations with the State party under review and the reviewing States parties on the establishment of schedules and requirements of the country review, including the selection of working language or languages of the country review, in accordance with section VI of the terms of reference. The translation to and from those languages shall be provided by the secretariat within the whole review process.

16. The State party under review shall, within two months of being officially informed of the beginning of the conduct of the country review, provide to the secretariat the information required on its compliance with and implementation of the Convention, using the comprehensive self-assessment checklist as an initial step for that purpose. Assistance in the preparation of the responses shall be provided by the secretariat to the State party requesting such assistance. The secretariat shall, within one month of the receipt of the checklist response, submit that response for translation and circulate it to the governmental experts.

17. Within one month after the State party under review has been officially informed about the beginning of the conduct of the country review, governmental experts shall participate in a telephone conference or videoconference, to be organized by the secretariat for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff member of the secretariat assigned to the country review, as well as for general orientation, including a review of the schedule and requirements established for the review.

18. Governmental experts from reviewing States parties shall take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence.

19. While governmental experts shall establish open lines of communication with the State party under review, the experts shall keep the secretariat abreast of all these communications.

20. Throughout the process, the governmental experts shall appropriately consider the information and material provided by the State party under review through the different means of communication as described in the terms of reference.

21. When seeking additional information and asking for clarification, governmental experts shall bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal of assisting the State party under review to reach full implementation of the Convention.

22. Within one month of the receipt of the response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review, governmental experts shall submit to the secretariat the outcome of the desk review, including requests for clarifications, additional information or supplementary questions, to be translated into the designated languages of the review and provided to the State party under review.
23. During the desk review, governmental experts shall avoid duplicating texts already contained in the comprehensive self-assessment checklist. The desk review is to be concise and factual and is to include solid reasoning for the outcome of the desk review. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be defined upon their first use.

24. After the State party under review receives the outcome of the desk review, the secretariat shall organize a telephone conference or videoconference bringing together the governmental experts of the reviewing States parties and the State party under review. During the conference call, governmental experts from the reviewing States parties shall introduce their parts of the desk review and explain the findings. The ensuing dialogue shall ideally last up to two months and consist of requests for additional information or specific questions from the governmental experts, to which the State party under review shall respond, using various means of dialogue including conference calls, videoconferences, e-mail exchanges or further means of direct dialogue as mentioned in paragraph 25 of the terms of reference and as specified below.

25. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna. The country visit or joint meeting at the United Nations Office at Vienna shall be planned and organized by the State party under review. While the secretariat will facilitate all practical arrangements, governmental experts shall take all necessary measures from their side to participate in the country visit or joint meeting at the United Nations Office at Vienna.

26. During the country visit or joint meeting at the United Nations Office at Vienna, governmental experts shall uphold the principles and standards outlined in the general guidance above.

27. Governmental experts are expected to actively and constructively participate in all meetings, including at internal debriefings at the end of each working day or at the end of the country visit or joint meeting at the United Nations Office at Vienna.

28. Governmental experts are expected to be respectful and courteous in meetings, respecting time frames set in the programme and allowing time for all members to participate. At the same time, governmental experts are expected to be flexible, as the programme may change during the country visit or the joint meeting at the United Nations Office at Vienna.

29. Questions should seek to complement information already provided by the State party under review and relate only to the review process. Governmental experts shall therefore remain neutral and not voice personal opinions during the meetings.

30. Governmental experts are expected to take notes during all meetings, which they can refer to for the production of the final country review report. They shall share their opinions and preliminary findings in writing among themselves and with the secretariat within two weeks after the country visit or the joint meeting at the United Nations Office at Vienna.
31. At the final stage of the country review process and preferably within five months of the beginning of the review, based on the blueprint format, the governmental experts shall, with the assistance of the secretariat, prepare a draft country review report and send it to the State party under review in the designated language of the review. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention and its Protocols. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention and its Protocols. The comments of the State party under review shall be incorporated into the draft country review report.

32. Governmental experts shall include observations with respect to the implementation in national law of the articles of the Convention and its Protocols under review, as well as their application in practice.

33. Governmental experts shall further identify successes and good practices and challenges and make observations with respect to the implementation of the articles of the Convention and its Protocols under review, as well as areas where technical assistance may be required.

34. At the request of the State party under review and as required, governmental experts may also be asked to provide the State party under review with explanations of how to address the challenges identified so as to allow the State party to fully and effectively implement the relevant articles of the Convention and its Protocols.

35. The secretariat shall send the draft country review report to the State party under review for its agreement. In case of disagreement, there shall be a dialogue between the State party under review and the governmental experts to arrive at a consensual final report. An executive summary shall subsequently be prepared and agreed on.

Annex III

Blueprint for country review reports and executive summaries

Review by [names of reviewing States] of the implementation by [name of State under review] of article(s) [number(s) of articles] of the United Nations Convention against Transnational Organized Crime [and articles [numbers] of the Protocols thereto] for the review cycle [time frame]

I. Introduction

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

2. The Mechanism is to be established in accordance with article 32, in particular paragraphs 3 and 4, of the Convention, as well as article 37, of the Convention and article 1, paragraph 2, of each of the Protocols, and pursuant to article 4,
paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.

3. The Review Mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention and, where applicable, the Protocols thereto.

4. The review process is based on the terms of reference of the Mechanism.

II. Process

5. The following review of the implementation by [name of State under review] of the Convention and its Protocols is based on the response to the comprehensive self-assessment checklist received from [name of State under review], and any supplementary information provided in accordance with paragraph 28 of the terms of reference and the outcome of the constructive dialogue between the governmental experts from [names of the two reviewing States and the State under review] conducted by means of [telephone conferences, videoconferences, e-mail exchanges or any further means of direct dialogue in accordance with the terms of reference] and involving [names of experts involved].

[Optional: 6. A country visit, agreed to by [name of State under review], was conducted from [date] to [date].]

Or

[A joint meeting between [name of State under review] and [names of reviewing States] was held at the United Nations Office at Vienna from [date] to [date].]

III. Executive summary

7. [Summary of the following:
   (a) Successes and good practices;
   (b) Challenges in implementation, where applicable;
   (c) Observations on the implementation of the articles under review;
   (d) Technical assistance needs identified to improve implementation of the Convention and its Protocols.]

IV. Implementation of the Convention and its Protocols

A. Ratification of the Convention and its Protocols [where applicable]

8. [Name of State under review] signed the Convention on [date] and ratified it on [date]. [Name of State under review] deposited its instrument of ratification with the Secretary-General on [date].

[Same information regarding the Protocols to which the State is a party]
9. The implementing legislation — in other words, the [title of act ratifying the Convention] — was adopted by [name of national legislative body] on [date], entered into force on [date] and was published in [name, number and date of official publication communicating adoption of the act]. The implementing legislation includes [summary of ratification legislation].

B. Legal system of [name of State under review]

10. Article [number of article] of the Constitution states that [discuss whether treaties are self-executing or require implementing legislation, where the Convention fits into the hierarchy of law, etc.].

C. Implementation of selected articles of the Convention

Article [number of article]

[Title of article]

[Text of the article, in an indented block quotation]

1. Summary of information relevant to reviewing the implementation of the article

11. [Information provided by the State under review through the comprehensive self-assessment checklist and any supplementary information provided in accordance with paragraph 28 of the terms of reference and in the context of the constructive dialogue.

2. Observations on the implementation of the article

12. [Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article and with respect to the implementation of the article in practice.]

13. [Observations on the status of implementation of the article, including successes, good practices and challenges in implementation.]

3. Successes and good practices

14. [Identification of successes and good practices in implementing the article, where applicable.]

4. Challenges, where applicable

15. [Identification of any challenges in implementation, where applicable.]

5. Technical assistance needs

16. [Identification of technical assistance needs, priorities and actions to improve implementation of the Convention and the Protocols thereto, where applicable.]

D. Implementation of selected articles of the Protocol on [name]

[Follow a structure and narrative similar to that of previous section.]
Annex IV


1. The distribution of thematic areas to be reviewed during the cycles is provided below.

First cycle: proposed allocation of articles to thematic area

2. For the first cycle, the proposed allocation of articles by thematic area is provided below.

Cluster on criminalization and international cooperation: mutual legal assistance and extradition

<table>
<thead>
<tr>
<th>Article</th>
<th>Convention</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 5</td>
<td>a</td>
<td>Criminalization of participation in an organized criminal group</td>
</tr>
<tr>
<td>Article 6</td>
<td>a</td>
<td>Criminalization of the laundering of proceeds of crime</td>
</tr>
<tr>
<td>Article 7</td>
<td></td>
<td>Measures to combat money-laundering</td>
</tr>
<tr>
<td>Article 8</td>
<td>b</td>
<td>Criminalization of corruption</td>
</tr>
<tr>
<td>Article 9</td>
<td>c</td>
<td>Measures against corruption</td>
</tr>
<tr>
<td>Article 10</td>
<td></td>
<td>Liability of legal persons</td>
</tr>
<tr>
<td>Article 12</td>
<td></td>
<td>Confiscation and seizure</td>
</tr>
<tr>
<td>Article 13</td>
<td></td>
<td>International cooperation for purposes of confiscation</td>
</tr>
<tr>
<td>Article 14</td>
<td></td>
<td>Disposal of confiscated proceeds of crime or property</td>
</tr>
<tr>
<td>Article 15</td>
<td></td>
<td>Jurisdiction</td>
</tr>
<tr>
<td>Article 16</td>
<td></td>
<td>Extradition</td>
</tr>
<tr>
<td>Article 18</td>
<td></td>
<td>Mutual legal assistance</td>
</tr>
<tr>
<td>Article 23</td>
<td>a</td>
<td>Criminalization of obstruction of justice</td>
</tr>
<tr>
<td>Article 34</td>
<td></td>
<td>Implementation of the Convention</td>
</tr>
<tr>
<td>Article 5</td>
<td></td>
<td>Criminalization</td>
</tr>
<tr>
<td>Article 6</td>
<td></td>
<td>Criminalization</td>
</tr>
<tr>
<td>Article 5</td>
<td></td>
<td>Criminalization</td>
</tr>
</tbody>
</table>

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*a* In conjunction with articles 2 and 3 of the Organized Crime Convention.

*b* In conjunction with articles 2 and 3 of the Organized Crime Convention. For States that are not parties to the United Nations Convention against Corruption.

*c* For States that are not parties to the United Nations Convention against Corruption.
Article 8 of the Firearms Protocol  |  Marking of firearms
Article 29 of the Convention\textsuperscript{d}  |  Training and technical assistance
Article 30 of the Convention\textsuperscript{d}  |  Other measures: implementation of the Convention through economic development and technical assistance

**Second cycle: proposed allocation of articles by thematic area**

3. For the second cycle, the proposed indicative allocation of articles by thematic area is provided below.

**Cluster on international cooperation and law enforcement**

<table>
<thead>
<tr>
<th>Article</th>
<th>Convention</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 16 of the Convention\textsuperscript{e}</td>
<td>Extradition</td>
<td></td>
</tr>
<tr>
<td>Article 17 of the Convention</td>
<td>Transfer of sentenced persons</td>
<td></td>
</tr>
<tr>
<td>Article 18 of the Convention\textsuperscript{e}</td>
<td>Mutual legal assistance</td>
<td></td>
</tr>
<tr>
<td>Article 19 of the Convention</td>
<td>Joint investigations</td>
<td></td>
</tr>
<tr>
<td>Article 20 of the Convention</td>
<td>Special investigative techniques</td>
<td></td>
</tr>
<tr>
<td>Article 21 of the Convention</td>
<td>Transfer of criminal proceedings</td>
<td></td>
</tr>
<tr>
<td>Article 22 of the Convention</td>
<td>Establishment of criminal records</td>
<td></td>
</tr>
<tr>
<td>Article 24 of the Convention</td>
<td>Protection of witnesses</td>
<td></td>
</tr>
<tr>
<td>Article 26 of the Convention</td>
<td>Measures to enhance cooperation with law enforcement authorities</td>
<td></td>
</tr>
<tr>
<td>Article 27 of the Convention</td>
<td>Law enforcement cooperation</td>
<td></td>
</tr>
<tr>
<td>Article 28 of the Convention</td>
<td>Collection, exchange and analysis of information on the nature of organized crime</td>
<td></td>
</tr>
<tr>
<td>Article 10 of the Trafficking in Persons Protocol</td>
<td>Information exchange and training</td>
<td></td>
</tr>
<tr>
<td>Article 11 of the Trafficking in Persons Protocol</td>
<td>Border measures</td>
<td></td>
</tr>
<tr>
<td>Article 7 of the Smuggling of Migrants Protocol</td>
<td>Cooperation</td>
<td></td>
</tr>
<tr>
<td>Article 10 of the Smuggling of Migrants Protocol\textsuperscript{f}</td>
<td>Information</td>
<td></td>
</tr>
<tr>
<td>Article 11 of the Smuggling of Migrants Protocol</td>
<td>Border measures</td>
<td></td>
</tr>
<tr>
<td>Article 17 of the Smuggling of Migrants Protocol</td>
<td>Agreements and arrangements</td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{d} In conjunction with other articles to be reviewed under this cluster.

\textsuperscript{e} To update, if needed, within this cycle.

\textsuperscript{f} Article 10 is also included under the international cooperation cluster.
<table>
<thead>
<tr>
<th>Article</th>
<th>Protocol/Protocol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 18 of the Smuggling of Migrants Protocol&lt;sup&gt;g&lt;/sup&gt;</td>
<td>Return of smuggled migrants</td>
<td></td>
</tr>
<tr>
<td>Article 6 of the Firearms Protocol</td>
<td>Confiscation, seizure and disposal</td>
<td></td>
</tr>
<tr>
<td>Article 12 of the Firearms Protocol</td>
<td>Information</td>
<td></td>
</tr>
<tr>
<td>Article 13 of the Firearms Protocol</td>
<td>Cooperation</td>
<td></td>
</tr>
</tbody>
</table>

**Cluster on preventive measures**

**Cluster on assistance and protection measures**

<table>
<thead>
<tr>
<th>Article</th>
<th>Convention&lt;sup&gt;h&lt;/sup&gt;</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 29 of the Convention&lt;sup&gt;h&lt;/sup&gt;</td>
<td>Training and technical assistance</td>
<td></td>
</tr>
<tr>
<td>Article 30 of the Convention&lt;sup&gt;h&lt;/sup&gt;</td>
<td>Other measures: implementation of the Convention through economic development and technical assistance</td>
<td></td>
</tr>
</tbody>
</table>

**Third cycle: proposed allocation of articles by thematic area**

4. For the third cycle, the proposed indicative clusters by thematic area are provided below.

**Cluster on preventive measures**

**Cluster on assistance and protection measures**

<table>
<thead>
<tr>
<th>Article</th>
<th>Convention&lt;sup&gt;h&lt;/sup&gt;</th>
<th>Description</th>
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<tbody>
<tr>
<td>Article 29 of the Convention&lt;sup&gt;h&lt;/sup&gt;</td>
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<td></td>
</tr>
<tr>
<td>Article 30 of the Convention&lt;sup&gt;h&lt;/sup&gt;</td>
<td>Other measures: implementation of the Convention through economic development and technical assistance</td>
<td></td>
</tr>
</tbody>
</table>

**Annex V**

**Executive summary template**

**Introduction: Overview of the legal and institutional framework of [country under review]**

I. **United Nations Convention against Transnational Organized Crime**

A. Observations on the implementation of the articles under review
B. Successes and good practices
C. Challenges in implementation, where applicable
D. Technical assistance needs identified to improve implementation of the Convention

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<sup>g</sup> Article 18 is also included under the international cooperation cluster.

<sup>h</sup> In conjunction with other articles to be reviewed under this cluster.
II. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
   A. Observations on the implementation of the articles under review
   B. Successes and good practices
   C. Challenges in implementation, where applicable
   D. Technical assistance needs identified to improve implementation of the Protocol

III. Protocol against the Smuggling of Migrants by Land, Sea and Air
   A. Observations on the implementation of the articles under review
   B. Successes and good practices
   C. Challenges in implementation, where applicable
   D. Technical assistance needs identified to improve implementation of the Protocol

IV. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition
   A. Observations on the implementation of the articles under review
   B. Successes and good practices
   C. Challenges in implementation, where applicable
   D. Technical assistance needs identified to improve implementation of the Protocol

Appendix: Table of technical assistance needs