



UNODC
United Nations Office on Drugs and Crime



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME

GUIDE

For civil society community engagement with the UNTOC Review Mechanism



©United Nations, July 2020. All rights reserved worldwide.

The designations employed and the presentation of materials in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

This publication has been made possible thanks to the contributions from the Governments of the United States of America, the United Kingdom and Switzerland.

GUIDE

**For civil society community
engagement with the UNTOC
Review Mechanism**

CONTENTS

<i>Introduction</i>	10
The extent of transnational organized crime	10
What is civil society?	16
The UNODC Civil Society Team (CST)	17
Global Initiative against Transnational Organized Crime (GI-TOC)	18
PART 1 - UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO	20
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</i>	24
<i>Protocol Against the Smuggling of Migrants by Land, Sea and Air</i>	25
<i>Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition</i>	26
PART 2 - UNTOC REVIEW MECHANISM	28
PART 3 - THE ROLE OF CIVIL SOCIETY IN SUPPORTING THE REVIEW MECHANISM OF THE UNTOC AND ITS SUPPLEMENTING PROTOCOLS	36
<i>Civil Society entry points</i>	38
<i>Country-specific pilot initiatives</i>	43
PART 4 - TOOLS FOR ENGAGEMENT OF CIVIL SOCIETY IN THE REVIEW PROCESS	44
<i>Civil society engagement and transparency pledge</i>	46
<i>Sample letter to state party focal point</i>	47

PART 5 - EXAMPLES OF UNODC WORK	50
PART 6 - EXAMPLES OF CIVIL SOCIETY WORK RELATED TO UNTOC	60
PART 7 - LINKAGE TO SUSTAINABLE DEVELOPMENT GOALS (SDGs)	70
<i>Glossary</i>	76

Acknowledgements

This publication was developed through cooperation of the United Nations Office on Drugs and Crime (UNODC) with the Global Initiative against Transnational Organized Crime (GI-TOC) and made possible thanks to the contributions of the governments of the United States of America, the United Kingdom and Switzerland.

Wide-ranging consultations with various stakeholders across the globe were held in the development of this guide. UNODC is particularly grateful for the support received for this publication from civil society organizations (CSOs), whose examples are featured in this guide.

The document was drafted by Billy Batware and Ian Tennant, with the support of Maria del Carmen Alvarado Gavilanes and Charlotte Irigoyen, under the guidance of Anders Frantzen and Mirella Dummar-Frahi. UNODC substantive guidance and inputs were provided by Human Trafficking and Migrant Smuggling Section (HTMSS), Conference Support Section, Education for Justice (E4J), Global Firearms Programme, Wildlife Section, and the UN Trust Fund for the Victims of Human Trafficking.

FOREWORD

The international community is confronted daily by cybercrime, trafficking in persons (including the online sexual exploitation and abuse of children), smuggling of migrants, the use of cryptocurrencies to launder criminal proceeds, and the trafficking of illicit firearms to supply terrorists with deadly weapons. Maritime crime and wildlife crime are stealing away livelihoods and endangering natural resources. The reality of organized crime is complex and multifaceted, yet at the end it is the common person who is left with the consequences. Criminals may use violence against or corrupt those standing in the way, and have few qualms in exploiting human beings, as well as legal persons such as firms or corporations, to attain their goals and launder the proceeds of their illegal activities. The harms inflicted include human rights abuses, physical and economic suffering, and undercuts legitimate business operations and, in certain instances, even government and its criminal justice institutions.

These are complex, cross-border threats with a scale and impact that could hardly have been foreseen nearly two decades ago when the United Nations Convention against Transnational Organized Crime (UNTOC) was signed in Palermo on 15 December 2000. And yet the Convention and its Protocols have more than stood the test of time. The Palermo Convention and its Protocols on trafficking in persons, smuggling of migrants and firearms, have remained the primary global tools uniting action against organized crime to bring perpetrators to justice and to support victims. The Convention was negotiated, adopted and ratified because no single country, no matter how powerful, can fight transnational organized crime (TOC) in isolation. No country is free of crime, yet the impact depends on its institutional, economic and civic resilience. Hence, strong solidarity across borders is required to the benefit of all.

Adopted in October 2018 under Resolution 9/1, the UNTOC Review Mechanism further reinforces criminal justice responses embedded within the Convention, as well as helps to identify assistance needs and channel development support to build up resilience against crime. Not surprisingly in this context is that the Mechanism advocates the need for a multi-stakeholder approach. Many actors need to be engaged, including non-governmental organizations (NGOs), academia and the private sector who are essential in devising viable solutions since they are often among the frontline victims of crime, both directly and indirectly. They provide first-hand views on crime, real and perceived, while offering a way out to deal with these, both at the grassroot and global level. The general review at Conference of the Parties (COP) sessions offers an excellent opportunity for a constructive dialogue between the multiple parties. This interaction allows to break barriers, build trust and confidence, and promote positive interaction between civil society and their respective governments. Indeed, likewise, strong solidarity within borders is required to the benefit of all.

UNODC is committed to supporting Member States in the implementation of the UN Convention on TOC and its Review Mechanism. This includes advancing the civil society community engagement and lifting capacities where required to ensure a levelled and meaningful contribution during the review process. The current Guide, jointly developed with the Global Initiative against Transnational Organized Crime (GI-TOC), is a very welcome aid to this end. I trust you will find it a useful tool.

Jean-Luc Lemahieu, Director, Division for Policy Analysis and Public Affairs, UNODC

Transnational organized crime is a constantly evolving phenomenon, and much has changed and evolved in the 18 years that passed between the adoption of the UNTOC in 2000 and the agreement on the launch of the Review Mechanism in 2018. Subsequently, the COVID-19 pandemic has shown how quickly and drastically circumstances can change in a globalized world, including for how we address TOC as a global community. We have seen that organized crime may use the openings created by the political and social crises that the virus is bringing about to expand its impact and to build its legitimacy and reach with communities and governments alike.

From the GI-TOC's experience in engaging with communities at local level in places where criminal governance is high, it is evident that the virus constitutes an opportunity to roll back criminal governance. The solutions to both the problem of the pandemic and TOC are surprisingly similar: they involve building national and community solidarity against global damage while recognizing global good. The efforts that communities are making at the local level need to be mirrored in what we do at the international level, including through the Implementation Review Mechanism to the UNTOC, the only global legal instrument that we have to monitor and improve national responses to organized crime.

The importance of ensuring a meaningful role for civil society in the Review Mechanism is therefore more crucial than ever. The time for disagreements about the role of civil society should surely now be in the past. Mounting an effective response will only be possible if all interested sectors of society play their role in coming together to tackle the common enemy of those driving, enabling and carrying out TOC.

Although the people and groups concerned with organized crime are diverse, civil society's key strength is found in its diversity. It is precisely the value of civil society that there are multiple interest groups that can advocate for the rights of every constituent and highlight the wide range of challenges that a society, community or group may experience.

GI-TOC, since its launch in 2013, has been collaborating closely with organizations working on these issues in a wide variety of contexts. Sometimes the individuals and CSOs would not call themselves TOC specialists. Often people are working in incredibly challenging and dangerous circumstances, coming under direct or indirect threat from criminal governance actors.

This creates unique challenges and threats for civil society actors who are trying to respond to TOC, or aspects of it, in their community.

In recent times, however, we have seen a growing and evolving capacity of civil society to engage on organized crime, and to make a difference in imagining an alternative vision of the future in their countries. We have also seen that the communities most affected by criminal governance can show the most extraordinary resilience in the face of the threats, violence and organized and relentless criminality. These individuals and groups are at the coalface of organized crime, but they might never have heard of the UNTOC or realize why it is relevant to their circumstances.

This guide will help individuals and groups, wherever they may be, to understand that they can have a voice at the national and international level; to improve the quality of the evidence being used to assess States Parties; and to bring real experiences and local insights to improve national and international policymaking on, and responses to, TOC.

Mark Shaw, Director, Global Initiative against Transnational Organized Crime

Introduction

The aim of this guide is to support civil-society actors in familiarizing themselves with the UNTOC, its three Protocols, and the Review Mechanism. The guide was developed to be a practical, user-friendly document written in everyday language. It explains clearly to a diverse audience what the UNTOC, its Protocols and the Review Mechanism are and provides practical advice for individuals and organizations on how to engage with and contribute to the review process and its outcomes. Examples of the work of civil society and UNODC are used to contextualize the information provided in the guide. This first edition, to be published ahead of the 2020 Conference of Parties (COP) at which the Review Mechanism is officially launched, focuses on introducing the instrument and its protocols and on preparing for the initial stages of the Review Mechanism, with a focus on the self-assessment phase and engagement at the plenary. It also covers objectives and tips for engagement in the framework of the COP in 2020. It is complementary to the more in-depth UNODC Toolkit on Stakeholder Engagement on Implementing the UNTOC, which civil society actors are encouraged to consult for more detailed normative issues.

What is organized crime?

A fundamental challenge in our efforts to respond to organized crime is to understand what it is, and to find an acceptable working definition. Organized criminal activities are diverse; they exist in many markets and countries and can be undertaken under the guise of legitimate enterprises, semi-legal, state or para-state activities, as well as just in the criminal world. It can involve transactions in goods that are both licit and illicit, as well as in a range of services.

The UNTOC definition focuses on the criminal group, rather than the crime itself, defining an organized criminal group as 'a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit'. The US Federal Bureau of Investigation (FBI) defines organized crime groups as any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities.

For the purposes of this guide, we are focusing primarily on TOC as defined by the UNTOC, but the challenges around defining organized crime highlight the diversity of organized crime itself. This diversity, in turn, requires a broad range of government, private sector and civil society voices to be part of formulating the holistic response that is needed to help states improve their implementation of the Convention and its three Protocols.

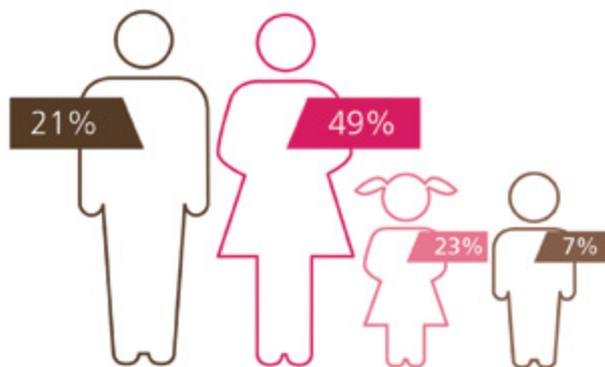
The extent of transnational organized crime

The difficulties in defining organized crime are compounded by the difficulties in measuring it. The incidence of organized criminal activities, such as conspiracy, criminal association, racketeering and extortion, is not measured in a systematic way. Other offences involving exploitation of human beings and provision of illicit goods and services are usually recorded only when they result in investigations, arrests, or prosecution. The problem of measuring organized crime is made difficult by four interrelated factors: perpetrators' efforts to conceal; victim non-reporting; the difficulty of determining the degree of

involvement of organized crime in a particular incident; and the multiple elements of the phenomenon. Furthermore, in the case of transnational organised crime, misalignments between different national legal frameworks, as well as lack of information sharing and solid cooperation schemes between countries, hamper efforts towards its detection and the combating of crimes. However, we do have access to government data and independent research and analysis on organized crime.

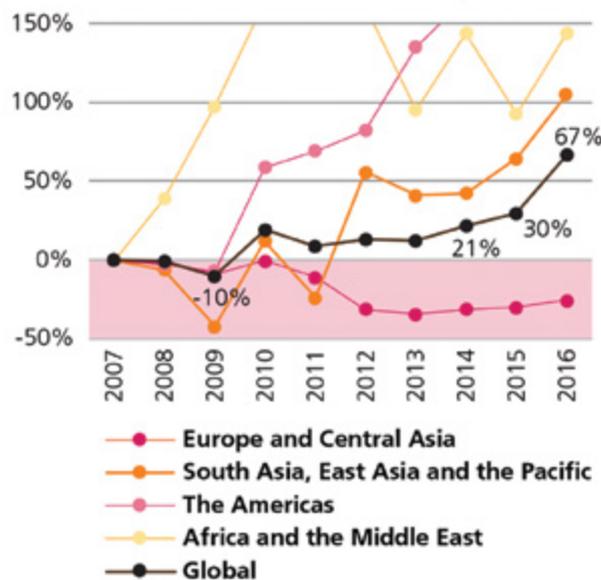
Some of the most recent data can be found in recent UNODC reports, with key statistics, links and resources highlighted below:

Shares of detected victims of trafficking in persons globally, by age group and sex, 2016 (or most recent)



Source: UNODC elaboration of national data.

Trends in the number of people convicted of trafficking in persons since 2007, globally and by region, 2007-2016



Source: UNODC elaboration of national data.

Trends in the total number of detected trafficking victims, average number of detected victims per country and number of reporting countries, by year, 2003-2016



Source: UNODC elaboration of national data.

Factors determining the demand for smuggling



- Need to migrate due to armed conflict, persecution, socio-economic hardship or other reasons
- Mobility regulations and restrictions
- Expensive and lengthy procedures to obtain regular travel documents
- Marketing and misinformation by smugglers
- Smugglers' recruitment and community pressure

Services supplied by smugglers



- Transportation, guiding and escorting during irregular border crossing
- Accommodation along the route
- Planning and contacts along the route
- Information and corruption
- Travel documents (counterfeit, false, fraudulently obtained, etc.)

Estimated magnitude and value of the major smuggling routes according to the Global Study on Smuggling of Migrants 2018

For more information, refer to the Toolkit on Stakeholder Engagement: Implementing the United Nations Convention against Transnational Organized Crime.¹

Country of manufacture	Reporting countries, in relation to country of manufacture			
	Intra-subregional ^a	Intra-regional	Inter-regional	Total
Italy	3	5	15	23
Germany	4	5	13	22
United States of America		6	15	21
Belgium	4	3	10	17
Czechia	1	6	9	16
Russian Federation	1	4	10*	15*
Spain	2	5	7	14
Turkey	2	1	11	14
China	2	2	8	12
Austria	2	3	5	10
France	2	3	4	9
Brazil	1	2	5	8
United Kingdom	1	1	2	4
Israel			4	4
Japan		1	2	3
Yugoslavia (former State)		3		3

* In addition, one African country reported seized arms manufactured in the Union of Soviet Socialist Republics (former State).

* Not including countries reporting seized arms manufactured in their own countries.

Source: UNODC IAFQ.

Most frequently reported countries of manufacture of seized arms, ranked by number of reporting countries^a (by geographical proximity of reporting country), 2016-17

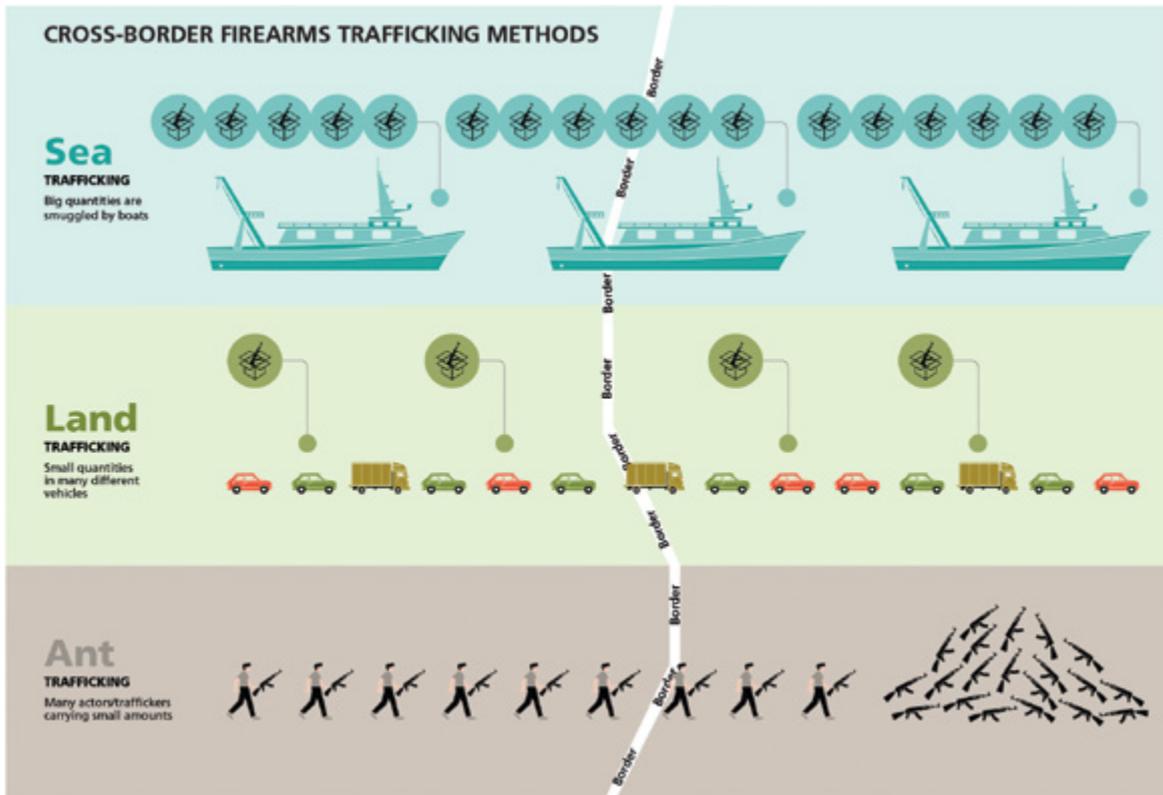
Country of manufacture	Region of reporting country					Total
	Africa	Americas	Asia	Europe	Oceania	
Italy	3	7	4	8	1	23
Germany	3	5	4	9	1	22
United States of America	2	6	4	8	1	21
Belgium	2	5	3	7		17
Czechia	1	4	3	7	1	16
Russian Federation	5*	1	4	5		15*
Spain	2	2	2	7	1	14
Turkey	3	2	3	6		14
China	2	3	4	2	1	12
Austria		5		5		10
France	4			5		9
Brazil		3	1	3	1	8
United Kingdom	1			2	1	4
Israel	2	2				4
Japan			1	1	1	3
Yugoslavia (former State)				3		3

* In addition, one African country reported seized arms manufactured in the Union of Soviet Socialist Republics (former State).

* Not including countries reporting seized arms manufactured in their own countries.

Source: UNODC IAFQ.

Most frequently reported countries of manufacture of seized arms, ranked by number of reporting countries^a (by region of reporting country), 2016-17



Average distributions* of customs seizures, by type of routing, 2016-17

Organized crime and its harmful effects on society and development

Despite the difficulties in defining and measuring organized crime, we can be sure that it has been shown to threaten political, economic and social development. Organized crime breeds and feeds on violence and corruption, undermines the rule of law, good governance and the democratic process; it jeopardizes economic growth and poverty reduction, and poses significant risks to public health and environmental sustainability. The COVID-19 pandemic has brought increased attention to the links between the environment, public health and organized crime.



SUSTAINABLE DEVELOPMENT GOALS



The adoption of the 2030 Agenda for Sustainable Development (ASD2030) by the General Assembly on 25 September 2015 placed the issue of organized crime firmly within the mandate of development actors. Not only through Goal 16.4, which seeks to ‘significantly reduce illicit financial and arms flows, strengthen recovery of stolen assets and combat all forms of organized crime’, but also a 2015 study, which found that of the 169 targets put forward under the ASD2030, more than 13 per cent (23 targets in total) stand at risk if criminal markets are not addressed.²

The effects of organized crime are felt in diverse settings and countries. Consequently, organized crime severely impacts the international community’s ability to deliver on its development objectives. Overall, the detrimental impact of organized crime is seen in its ability to:

- Penetrate and compromise state structure
- Warp the process of democracy, regulation, and the rule of law
- Violently erode the safety, security, and life chances of communities
- Degrade the environment

Previous analysis has shown that there are five impact areas where organized crime has the greatest impact and harms on society and its development, which are related to goals in Agenda 2030:³

- (i) Achieve sustainable livelihoods
- (ii) Maintain health and well-being for all
- (iii) Achieve equitable and sustainable economic growth
- (iv) Protect the environment
- (v) Secure stability, governance, and justice for all

The annex to these guidelines has more detail on the linkages between organized crime and the SDGs.

These impacts are real and felt around the world in countless communities. Within those communities are people who feel the effects every day, some of whom are working to try to make the situation better. This guide is designed to help them, and all other interested civil society actors, in understanding the UNTOC Review Mechanism and how it might be able to help alleviate the harms they are facing daily, through improved and more impactful implementation of the Convention.

What is civil society?

Civil society is a key instrument for the success of today's United Nations ... [particularly in a global political climate] where governments are finding it more and more difficult to do their job ... Dialogue and cooperation with civil society will, I'm sure, be a central aspect of the activities of the United Nations in the next few years, not only because of my own activities, but because of the concerns that all the United Nations bodies have, making sure that partnership becomes a key element in solving global problems.

- UN Secretary-General, António Guterres, 19 October 2016

The (UN) refers to civil society as the 'third sector' alongside governments and private businesses.⁴ The World Bank has adopted a definition of civil society developed by a number of leading research centres: the term civil society is to refer to 'the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations'.⁵

The term 'civil society organization' (CSO) should be understood as an entity that works in a manner that is distinct from government, international organization or business. Since CSOs are non-profit organizations normally working towards the creation and distribution of public goods, they usually enjoy a high degree of public trust and support in local communities.⁶

A variety of non-profit organizations can be understood to be a CSO, including the following entities:

- International and national NGOs
- Subject-matter specific organizations (e.g., within corruption: transparency, public procurement, whistle-blower protection, accountability)
- Coalitions and networks (women's rights, children's rights, environmental rights, victims/survivors' associations)
- Community-based groups (indigenous peoples, minorities)

- Faith-based organizations (churches, religious groups)
- Unions (trade unions as well as professional associations such as journalist associations, bar associations, magistrate associations, student unions)
- Social movements (peace movements, student movements, pro-democracy movements)⁷

Civil society is diverse in structure and organization and, like organized crime, not easy to define. By its nature, its views on TOC and how to tackle it are also not uniform. However, the role of civil society as a complement to the efforts of governmental actors is key in the implementation of comprehensive responses to prevent and counter organized crime. In his introduction to the UNTOC convention,⁸ Kofi Annan, then UN secretary-general, singles out civil-society groups as having an ‘essential role to play in the running of any society’, in contrast to the ‘uncivil’ forces of organized crime, which do so much to destroy peace and prosperity. In general terms, the term ‘civil society’ can encompass all individuals and organizations that take collective action in the public interest, outside of state institutions. Annan refers to ‘the citizens’ groups, businesses, unions, professors, journalists, political parties and others who have an essential role to play in the running of any society’.⁹

The UNODC civil society team (cst)

The UNODC CST is the main entry for civil society in UNODC and serves as a bridge between CSOs, UNODC substantive offices, field offices and Member States. Through its GLOU68 programme, UNODC works to facilitate the implementation of the Organized Crime Convention and its Protocols by supporting meaningful participation in the implementation process of relevant non-governmental stakeholders referred to as ‘partners for change’.¹⁰ UNODC’s CST, structurally located within the Division of Policy Analysis and Public Affairs (DPA), serves as a bridge between civil society, UNODC field offices, substantive offices and Member States. Established in 2008, the CST facilitates the participation of CSOs in intergovernmental meetings of the Commission on Narcotic Drugs (CND), Commission on Crime Prevention and Criminal Justice (CCPCJ), the United Nations Convention against Corruption (UNCAC), and the United Nations Convention against Transnational Organized Crime (UNTOC). It does this in line with relevant UNODC mandates and rules of procedure for the respective intergovernmental bodies and delivers training to help them interact constructively with the UN and its Member States.

Since its inception, the CST has, among others, engaged some 5 293 CSO representatives in intergovernmental meetings, and some 370 NGOs through multi-stakeholder trainings and roundtable meetings on the implementation of the UNCAC. The work of CST has contributed to the result that 89 per cent of the states under review in the first review cycle involved civil society in the country visits, and approximately 96 per cent during the currently ongoing second cycle.

The objective of CST is to increase non-governmental stakeholder (CSO, academia and private sector) engagement in the implementation of the conventions falling under UNODC’s mandates, and to enable stakeholders to promote their implementation at global, regional, national and local levels. As such, UNODC recognizes the need to promote strong partnerships with CSOs in dealing with the complex issues of drug abuse, corruption and crime, which undermine the fabric of society.

Since 2019, the CST has been running a project to engage CSOs, academia and the private sector in the implementation of the UNTOC and in eliciting constructive contributions to its Review Mechanism in accordance with Resolution 9/1.¹¹ Through Stakeholder Engagement for UNTOC (SE4U) workshops, the

CST delivers capacity-building training to help improve stakeholder knowledge of the UNTOC and interact constructively with the UN and its Member States in order to promote the implementation of UNTOC. It does so in close collaboration with the UNODC Organized Crime Branch, and in partnership with the umbrella organizations the GI-TOC and the Alliance of NGOs on Crime Prevention and Criminal Justice. The CST also provides multi-stakeholder workshops, hosts roundtable discussions on UNCAC implementation and builds capacity of CSOs on the implementation of international drug-policy instruments, such as the 2019 Ministerial Declaration and the UN General Assembly Special Session (UNGASS) 2016 Outcome Document.¹²



Global Initiative against Transnational Organized Crime (GI-TOC)

Founded in 2013 and headquartered in Geneva, The Global Initiative comprises a network of more than 500 independent global and regional experts working on human rights, democracy, governance, and development issues where organized crime has become increasingly pertinent. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime. It commissions and shares research globally, curates a robust resource library of 2 000 reports and tools specific to organized crime, and uses its tremendous convening power to unite both the private and public sectors against organized crime. Through a range of channels, the Global Initiative seeks to project the expertise of its network members outwards and to make it available to a broader range of stakeholders, including through developing the evidence basis for policymaking, convening and facilitating multi-sectoral dialogue, and developing tools and programmes necessary to further the development of effective responses.

01

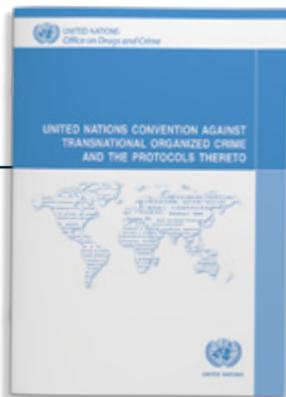
part

UNITED NATIONS CONVENTION AGAINST **TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERE TO**

CONTENTS

<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</i>	24
<i>Protocol Against the Smuggling of Migrants by Land, Sea and Air</i>	25
<i>Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition</i>	26

The convention



Adopted at the fifty-fifth session of the General Assembly by resolution 55/25 of 15 November 2000, the United Nations Convention against Transnational Organized Crime (UNTOC) is the main international instrument in the fight against transnational organized crime. Signed by Member States in Palermo, Italy, from 12 to 15 December 2000, the UNTOC entered into force on 29 September 2003. Its main purpose is to promote cooperation among Member States to strengthen joint efforts to prevent and combat transnational organized crime. The Convention signifies the recognition by Member States of the seriousness of the problems posed by transnational organized crime, as well as the need to foster and enhance close international cooperation in order to tackle these problems.

The Convention has achieved near-universal ratification, with 190 States Parties, as of February 2020.

The Convention is supplemented by three Protocols¹³ that target specific areas and manifestations of organized crime:

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- The Protocol against the Smuggling of Migrants by Land, Sea and Air
- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition

As of February 2020, the Protocols have achieved a similarly high level of acceptance, with 175 States Parties to the Trafficking in Persons Protocol, 149 to the Smuggling of Migrants Protocol and 118 to the Firearms Protocol.

States Parties commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance, information sharing and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities. They are also required to 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.

UNODC is the guardian of the UNTOC and its three supplementary Protocols. The Protocols target specific areas and manifestations of organized crime. In order to become a Party to a Protocol, a state or a regional economic integration organization must also be a Party to the Convention. The implementation of the UNTOC and its Protocols is promoted through the COP to the Convention, which adopted Resolution 9/1 on the establishment of a Review Mechanism.



Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children



What is trafficking in persons?

Trafficking in persons (TIP) is defined in article 3 as ‘The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.’ The baseline established by the Trafficking in Persons Protocol is that the consent of an adult victim to the intended exploitation is irrelevant if any of the listed ‘means’ are used. Trafficking in children, however, is defined as committing a specific act for the purpose of exploitation, as the means are irrelevant in child trafficking. The definition of the forms of exploitation that may be the purpose of trafficking is non-exhaustive but may include the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Trafficking in persons represents a serious crime and a grave violation of human rights. Every year, thousands of girls, boys, men and women are victimized by traffickers, both in their own countries and abroad. Almost every country is affected by trafficking, whether as a country of origin, transit and/or destination for victims.

The General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in its resolution 55/25 of 15 November 2000. States Parties to this Protocol declared that effective action to prevent and combat TIP, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights.

Because the Protocol supplements the UNTOC, it is to be interpreted together with the Convention. Expected to standardize terminology, laws, and practices of countries in this area of the law, the Protocol establishes the first common international definition of 'trafficking in persons'. The Protocol is intended to prevent and combat the crime, especially as it affects women and children, to protect and assist trafficked people, and to facilitate international cooperation in anti-trafficking. This Protocol applies to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Protocol Against the Smuggling of Migrants by Land, Sea, and Air

What is migrant smuggling?

Migrant smuggling affects almost every country in the world, whether as an origin, transit, or destination country for smuggled migrants. It undermines the integrity of countries and communities and costs thousands of people their lives every year. The internationally agreed definition of migrant smuggling stems from the Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the UNTOC – the Smuggling of Migrants Protocol. The Protocol defines the crime of migrant smuggling as: 'The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.' No Member State can adhere to the Smuggling of Migrants Protocol without prior adherence to the Convention against Transnational Organized Crime.

Parties that ratify the Smuggling of Migrants Protocol are requested to criminalize the smuggling of migrants (SOM) as defined above, and to criminalise, 'when committed for the purpose of enabling the smuggling of migrants', producing, procuring, providing or possessing a fraudulent travel or identity document. The Protocol also requires states to criminalise: 'Enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining in the State by [illegal] means'. In each case, as with the crime of Smuggling of Migrants itself, the element of the purpose of obtaining a financial/material benefit is required. The criminalization

of the smuggling of migrants in the Smuggling of Migrants Protocol does not aim at criminalizing refugees or migrants who use migrant smuggling services. The stated intention of the Protocol is to criminalize and prosecute those who smuggle others for gain and not the refugees and migrants themselves. The Protocol does not cover the action of those who provide support to migrants for humanitarian reasons or on the basis of close family ties ('it was not the intention of the Protocol to criminalise the activities of family members or support groups such as religious or non-governmental organizations'). In addition, article 5 explicitly states that 'migrants shall not become liable to criminal prosecution' for having been smuggled. In practice, this means that smuggled migrants should not be prosecuted as accomplices to their smuggling, along with their smugglers. The criminalisation of mere facilitation without financial or material benefit, illegal border crossing or use of fraudulent travel or identity documents is not prohibited by the Protocol, but such measures do not fall within the scope of the Protocol (art. 6).

The General Assembly adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air in its resolution 55/25 of 15 November 2000. It entered into force on 28 January 2004.

Because the Protocol supplements the UNTOC, it is to be interpreted together with the Convention.

Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition

What is Illicit Trafficking in Firearms, their Parts and Components and Ammunition?

The Firearms Protocol defines illicit trafficking as 'the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components, and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol' (art. 3 (e)).

Under article 10 of the Firearms Protocol, States Parties are required to establish or maintain 'an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition'. The criminalization of cross-border transfers of firearms that have not been authorized by governments is called for in article 5. As a preventative measure to help minimize trafficking, the Firearms Protocol requires, in article 3 (d), that the manufacturing of firearms should be authorized by governments, making any unauthorized manufacturing illicit.

The General Assembly adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition in its resolution 55/255 of 31 May 2001, supplementing the UNTOC. It entered into force on 3 July 2005. As the only legally binding instrument to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition at the global level, this Protocol provides a framework for states to control and regulate illicit arms and arms flows, prevent their diversion into the illegal circuit and facilitate the investigation and prosecution of related

offences without hampering legitimate transfers. By adopting the Protocol, Parties agreed to cooperate extensively at the bilateral, regional, and international levels in order to achieve the Protocol's objectives, including providing training and technical assistance to other Parties.

Because this Protocol supplements the UNTOC, it is to be interpreted together with the Convention.

02

part

UNTOC REVIEW MECHANISM

UNTOC, now approaching universal adherence with 190 Parties, contributes to the achievement of the SDGs by providing a legal and criminal justice framework for combatting transnational organized crime.

By requiring States Parties to promote cooperation and to adopt specific legislative and other measures, it contributes to the strengthening of national institutions and to building capacity at all levels to prevent and combat transnational organized crime. In addition, article 32(3) of the Convention states that the COP 'shall agree upon a mechanism to improve the capacity of States Parties to combat transnational organized crime and to promote the review of the implementation of UNTOC'. Pursuant to this article, the COP to UNTOC was established and held its first session from 28 June to 9 July 2004.

It took 10 years of negotiations until the Conference of the Parties to UNTOC established, at its ninth session held from 15 to 19 October 2018, a Review Mechanism for the implementation of UNTOC by adopting Resolution 9/1¹⁴ entitled 'Establishment of the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto', to which the 'Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of the UNTOC and the Protocols thereto' was annexed ('Procedures and Rules of the Review Mechanism'). In the same resolution, the Conference decided to launch the preparatory phase of the Review Mechanism, which lasts two years. The preparatory phase will be followed by a review process that will last 10 years. The operationalization of the Review Mechanism will substantively promote the implementation of the UNTOC and its three Protocols, contribute to the effective prevention of and fight against organized crime and further contribute to the achievement of goals 3, 5, 8, 16 and 17 of the 2030 Agenda for Sustainable Development.

Resolution 9/1

Establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

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

Recalling that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent the principal worldwide legal instruments to combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming their importance as the main tools available to the international community for this purpose,

Reaffirming that the purpose of the Convention and the Protocols thereto is, inter alia, to promote cooperation to prevent and combat transnational organized crime more effectively, and stressing the need to take additional concerted action to reinforce the implementation of the Convention and the Protocols thereto by States parties and to identify related technical assistance needs,

Recalling article 32 of the Convention, pursuant to which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of

UNODC is the Secretariat of the Review Mechanism as per its designation contained in Resolution 9/1.

Purposes and guiding principles of the Review Mechanism

Defined in paragraph 8 of Procedures and Rules of the Review Mechanism, the main goals of the review process are to:

- A. Promote the purposes of the Convention and the Protocols thereto [...]
- B. Improve the capacity of States Parties to prevent and combat transnational organized crime and to promote and review the implementation of the Convention and the Protocols thereto
- C. Help States Parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance upon their request
- D. Gather information on national legislation, successes, good practices, and challenges of States Parties in implementing and using the Convention and the Protocols thereto, and to promote and facilitate the exchange of this information

- E. Promote international cooperation as stipulated in the Convention and the Protocols thereto
- F. Acquire the necessary knowledge of the measures taken and the difficulties encountered by States Parties in implementing the Convention, provided through the information-gathering process.

The Review Mechanism of UNTOC is a peer review, with one state being reviewed by two other states for the instruments (the Convention and its three Protocols) to which it is party. This means that there will be two reviewers for each instrument to which a state is party and that such reviewers will not necessarily be the same.

Based on the Procedures and Rules of the Review Mechanism, the selection of states under review and reviewing states will be carried out by a drawing of lots at the beginning of the review process, expected to take place in November 2020. The draw will determine the reviewers for each State Party. Reviewers will remain the same throughout the review process.

States Parties will be divided into three groups and will start their review staggered in three consecutive years. All articles of UNTOC and its Protocols have been divided into four clusters, as indicated in the appendix to the Procedures and Rules of the Review Mechanism. The substantive review process for the four instruments has also accordingly been divided into four phases of two years each, and in each phase, the implementation of one thematic cluster (figure 1) by states will be reviewed.

FIGURE 1

	CLUSTER ON CRIMINALIZATION AND JURISDICTION	CLUSTER ON PREVENTION, TECHNICAL ASSISTANCE, PROTECTION MEASURES AND OTHER MEASURES	CLUSTER ON LAW ENFORCEMENT AND THE JUDICIAL SYSTEM	CLUSTER ON INTERNATIONAL COOPERATION, MUTUAL LEGAL ASSISTANCE AND CONFISCATION
ORGANIZED CRIME CONVENTION	Art. 2, 5, 6, 7, 8, 10, 15 and 23 ¹⁵	Art. 24, 25, 29, 30 and 31	Art. 7, 11, 19, 20, 22, 26, 27 and 28	Art. 12, 13, 14, 16, 17, 18 and 21
TRAFFICKING IN PERSONS PROTOCOL	Art. 3 and 5	Art. 6, 7 and 9	Art. 11, 12 and 13	Art. 8 and 10
SMUGGLING OF MIGRANTS PROTOCOL	Art. 3, 5 and 6	Art. 8, 9, 14, 15 and 16	Art. 11, 12 and 13	Art. 7, 10 and 18
FIREARMS PROTOCOL	Art. 3, 5 and 8	Art. 7, 9, 10, 11, 14 and 15		Art. 6, 12 and 13

As explained in figure 2, the review process will comprise a preparatory phase lasting two years and a substantive review process lasting eight years for each state under review.

During the preparatory phase, expected to be concluded by October 2020, Member States, with the support of the Secretariat, shall finalize and harmonize the self-assessment questionnaires, the guidelines for conducting country reviews and the blueprint for the list of observations and its summary. In addition, UNODC, in close consultation with States Parties, will develop the new secure module of the knowledge management portal known as SHERLOC (Sharing Electronic Resources and Laws on Crime), which represents the main tool to support the information gathering and communication process during the review process.

FIGURE 2

YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10	YEAR 11	YEAR 12
Preparatory Phase		1st cluster for the 1st third of States	2nd cluster for the 1st third of States	3rd cluster for the 1st third of States	4th cluster for the 1st third of States						
Preparatory Phase			1st cluster for the 2nd third of States	2nd cluster for the 2nd third of States	3rd cluster for the 2nd third of States	4th cluster for the 2nd third of States					
Preparatory Phase				1st cluster for the final third of States	2nd cluster for the final third of States	3rd cluster for the final third of States	4th cluster for the final third of States				

As the status of adherence differs between the Convention and the three Protocols and each instrument can only be reviewed by two States Parties that are also party to that instrument, there could be more than two reviewers per each State Party under review. However, based on the Procedures and Rules of the Review Mechanism, the maximum number of reviewers cannot exceed four.

Example (1):¹⁶

Country A is selected to be reviewed and **Country B** and **Country C** are designated as reviewers. **Country A** is party to all four instruments and so is **Country C**. However, **Country B** is party to only two instruments. Therefore, an additional State Party, **Country D**, shall be designated to review only the instrument to which **Country B** is not party.

Example (2):

Country A is selected to be reviewed and **Country B** and **Country C** are designated as reviewers. **Country A** is party to three instruments and so is **Country B** (the same three). **Country C** is party to all four instruments, so it will review **Country A** on the instruments it is also party to. **Country A** will not be reviewed on instruments to which it is not party.

The review process follows two review tracks: a general review that will be undertaken in the Plenary of the COP and country reviews that will be carried out through desk reviews.

The general review will facilitate the exchange of experiences, lessons learned, best practices and challenges in implementing UNTOC and its Protocols, as well as the identification of technical assistance needs. It will be facilitated by a general report on trends, patterns and best practices prepared by the Secretariat before each session of the COP, based on the responses to the self-assessment questionnaires and the lists of observations constituting the outcome of the country review.

The outcome of the individual country reviews will be considered within the framework of the five Working Groups of the Conference (the Working Groups on Technical Assistance, International Cooperation, Trafficking in Persons, Smuggling of Migrants and Firearms).

The country review process will identify best practices, gaps, and challenges in the implementation of specific provisions, as well as suggestions and, when necessary, technical assistance needs of each state under review.

The review process is expected to take place online using a new secure module of the knowledge management portal SHERLOC. Governmental experts appointed by reviewing States Parties and States Parties under review will use the password-protected online platform to carry out the reviews, including, among others, filling out the self-assessment questionnaires for the review of the implementation of UNTOC and its Protocols, written communications and preparation of the written outputs of the review process. However, to cater for situations where internet connectivity may still represent a challenge, the review process can also be carried out by completing the self-assessment questionnaires offline and uploading them through the new secure module of SHERLOC.

Once the reviewing groups are established by the drawing of lots, and as a first step of the reviewing phase, States Parties shall agree upon the one or two languages that will be used for the review process among the six official languages of the UN. In exceptional cases, a third language can also be designated.

Successively, experts from the State Party under review will complete the self-assessment questionnaire on the subject matter of the cluster of articles under review. They will then submit the questionnaire to the experts of the reviewing States Parties for review and preparation of general feedback on the implementation by the State Party under review.

At the final stage of each review phase for each state, the reviewing states, in close cooperation and coordination with the state under review, and with the assistance of the Secretariat, shall prepare a list of observations indicating any gaps and challenges in the implementation of the cluster of articles under review, best practices, suggestions and any technical assistance that needs to be identified to improve the implementation of UNTOC and its Protocols.

The lists of observations will be made available to the Working Groups as conference-room papers and will therefore not be available in all UN languages. In exceptional cases, States Parties under review may decide not to disclose selected parts of the lists of observations.

The responses to the self-assessment questionnaires will be made available to other States Parties only in the secure module of SHERLOC. However, the State Party under review may decide to make public the self-assessment questionnaires, as well as the ensuing dialogue and the feedback received. Alternatively, the ensuing dialogue and feedback can also be made available to other States Parties only, or kept confidential.

Finally, a summary of the lists of observations, not exceeding 1500 words, shall be prepared by the reviewing States Parties and the State Party under review, with the support of the Secretariat, and translated into the six official languages of the UN. These summaries will be made available to the Conference and its Working Groups.

The main steps of a country review are summarized in figure 3.

FIGURE 3



03

part

THE ROLE OF CIVIL SOCIETY IN SUPPORTING THE REVIEW MECHANISM OF THE **UNTOC** AND ITS SUPPLEMENTING PROTOCOLS

CONTENTS

Civil society entry points

38

Country-specific pilot initiatives

43

As per the Procedures and Rules of the Review Mechanism, an important role was given to all relevant stakeholders, including non-governmental organizations, to engage in the review process. Chapter IX of the Procedures and Rules of the Review Mechanism focuses on such rules of engagement.

Given the context in which they are operating, and the diverse range of expertise, data and insight that they have, CSOs and individual members of civil society can make four distinct contributions to the fight against transnational organized crime through enhancing the success of the UNTOC Review Mechanism:

- 1) **Improving the performance of the UNTOC review process:** The Review Mechanism will benefit from the input of diverse voices from across civil society, will provide a broader and more contextualized review through the information and feedback they provide to States Parties.
- 2) **Building partnership with governments:** Based on the timing and substantive content of the country review process, CSOs can develop an outreach programme with national and international stakeholders and media and thereby influence public debates on UNTOC implementation, and ultimately work in partnership to improve implementation on the ground.
- 3) **Building evidence and best practices for wider benefit:** By disseminating its field research and building networks in the wider UNTOC-focused community, academics and journalists (as individual members of civil society), as well as larger CSOs, can ensure that the UNTOC Review Mechanism has means of demonstrating success to States Parties and the international community more widely.
- 4) **Impact at the national and international levels:** Taken together, the voices of civil society will be heard, and have impact on policy recommendations at both the national and international levels.

Civil society entry points

Civil society will have mainly three entry points for engagement in the review process.

Plenary of the Conference of Parties:

Firstly, CSOs can participate in the sessions of the COP in accordance with its Rules of Procedure.¹⁷ This is a consolidated practice that allows civil society to engage directly with States Parties.

In particular, CSOs shall follow Rule 17 (below) to participate in the COP:



MORE INFO

Rule 17 (3) of the Rules of Procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (COP-UNTOC)

According to Rule 17 (3) in Rules of Procedure for the COP-UNTOC, without taking part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, such NGOs may:

- A. Attend plenary meetings of the Conference;
- B. Upon the invitation of the President and subject to the approval of the Conference, make oral statements at such meetings through a limited number of representatives on questions relating to their activities; and
- C. Receive the documents of the Conference.

2020 COP:

The COP takes place every two years, and a wide range of civil society representatives can attend. The next COP is scheduled to take place in Vienna, Austria, at the UNODC headquarters from 12 to 16 October 2020. Information on how to attend the COP will be on the UNTOC COP website in advance of the meeting.¹⁸

The meeting in 2020 will mark the proper launch of the Review Mechanism process (following the previous two years of preparatory work), and there will, therefore, not be any review outcomes to analyze. However, subject to the travel and meeting restrictions in place at the time, the COP in 2020 could provide opportunities for NGOs and other stakeholders to:

- Learn more about the UNTOC, the Review Mechanism, how the process works, and how you may wish to engage
- Network with delegates from the State Party of your country, and other stakeholders from around the world with whom you will need to engage in order to have meaningful input into the review mechanism (and therefore implementation) of the Convention in your country
- Make statements to outline your points of view or research findings at side events or in the plenary meeting, within the framework of the COP Rules and Procedures
- Engage with the UNODC Civil Society Team, which is responsible for civil society participation in the COP

Future COPs:

At future sessions of the COP, which take place every two years in Vienna, you will be able to engage in the general review track of the Review Mechanism and continue your efforts to engage with relevant stakeholders and publicize your issues and findings of interest. Future editions of these guidelines will go into more detail about how to make the most of these meetings.

Constructive dialogue: how does it work?

The second entry point represents the major innovation of the Procedures and Rules of the Review Mechanism on the engagement of civil society in the process.

Specific sessions of **constructive dialogue** shall be convened following the conclusion of each session of the five Conference Working Groups by their respective chairs. Such dialogue constitutes the main engagement point through which relevant stakeholders, including CSOs, can present and discuss their points of view with States Parties. These sessions will allow for briefing participants on the development and outcomes of the review process and for collecting inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention, the Protocols thereto and the Review Mechanism.

Nonetheless, a set of rules for the registration and participation of CSOs in the constructive dialogue shall be followed to ensure that the dialogue runs smoothly and is conducted in a constructive manner. Interested organizations shall confirm their attendance no later than 15 days prior to the date of a dialogue. A list of applicants will be circulated among States Parties and, in case of objections on the participation of a specific organization, the matter will be referred to the Bureau of the Conference of the Parties to Transnational Organized Crime. In case insufficient applications are received, the chair of the working group may decide not to convene the dialogue.

Interested organizations can submit comments in writing before the session of the dialogue. They can also deliver their statement when they take part in it. It is important to note that during the session of the dialogue, no specific country situations shall be mentioned, except by the state under review.

The dialogue will follow a programme prepared by the Secretariat and will be facilitated, where appropriate, by a background paper. A panel with representatives of relevant stakeholders may also be arranged to support and keep the discussion focused.

A written summary of the discussion will be prepared by the chair of the working group and made available to the working group at its following session.

What can I do?

The dialogues will present new and evolving opportunities for civil society to engage with each other and States Parties on the implementation of the Review Mechanism. As the first constructive dialogues will not

take place until at least 2021, there is some time to prepare, and the nature of how they work in practice will evolve as they start to take place. The compromise struck between States Parties on this element of the rules and procedures of the mechanism was central to consensus being achieved on the mechanism as a whole. It is based on the NGO briefing organized in the margins of the Implementation Review Group of the UNCAC Review Mechanism but tailored to the more complex arrangements of the UNTOC Review Mechanism. There are restrictions placed on the engagements in this forum, including the following:

- They take place after the thematic working group has concluded and the report has been adopted
- No specific country situations can be discussed or mentioned, except by the country under review themselves
- The chair of the working group can decide not to convene a constructive dialogue if insufficient applications are received before the deadlines

For now, civil society should familiarize itself with the procedures and rules, and the emerging timetable of meetings and thematic topics so that it can be prepared to engage in the most relevant and impactful way.

Future editions of these guidelines will provide more guidance on this avenue of engagement once more details and experience have been gathered.

Self-assessment questionnaire: How does it work?

Finally, a **third entry point** for engagement of civil society is also possible. Paragraph 23 of the Procedures and Rules of the Review Mechanism encourages the States Parties under review to reply to the **self-assessment questionnaires** through broad consultations at national level with all relevant stakeholders. Such engagement has been left to the discretion of the State Party under review, and the specific modality of engagement will differ from country to country.

What can I do?

As has been described, countries are only encouraged to engage with civil society as they gather the information to complete their self-assessment questionnaire. Civil society actors must therefore be proactive and be prepared to find the initial information and contact the government focal point themselves. Before you begin, it is essential to do the following preparation to best increase your chances of successful engagement.

In this section, the Organized Crime Convention is introduced along four clusters of articles:

- Cluster on criminalization and jurisdiction;
- Cluster on prevention, technical assistance, protection measures and other measures;
- Cluster on law enforcement and the judicial system; and
- Cluster on international cooperation, mutual legal assistance (MLA) and confiscation.

This cluster-approach mirrors the structure of the Review Mechanism which is discussed in detail in Part 6 of this Toolkit.

Model Action Plan

Phase 1

1. Monitor when your country will be under review – the information will be on SHERLOC.¹⁹
2. Find out which part of your government is coordinating the review from your country (each country must nominate a focal point to coordinate the country review). A sample letter or email to your government is included in the next section.
3. Understand the review phases and work out which areas you would like to focus on. Please note that the review is not staggered by topic (i.e. crime type) but rather cross-cutting issues, as indicated in this document.
4. Gather evidence and analysis on those issues and prepare what your key analysis and recommendations are.
5. Are there any other organizations or individuals you could collaborate with in your country, or working on similar topics in other countries? Search the 'WhatsOn' database or contact the UNODC Civil Society Team, the Alliance of NGOs on Crime Prevention and Criminal Justice or the GI-TOC.
6. Develop your thinking into an action-oriented set of analysis and recommendations that can be easily understood by the state and can be followed up on by you and other civil society actors in your country and elsewhere.

Phase 2

7. Encourage your country to sign up to the 'Civil Society Engagement and Transparency Pledge' (see next section).
8. Engage with the reviewing focal point from the state part and other stakeholders to deliver the messages in the appropriate way to your local context.
9. Deliver the messages publicly to raise the profile of your key messages, through media and public channels.

Example:

You are an NGO focusing on human trafficking in country X. Your country has ratified the UNTOC and its Protocol on Trafficking in Persons, however you see on the ground that there are elements that are

not being implemented effectively. You have been through steps 1–3 of the above process and have comments on issues relating to criminalization or jurisdiction provisions (which come under the first cluster of review) of the Trafficking in Persons Protocol. You can then go through steps 4–6 of the action plan, in close coordination and engagement with relevant stakeholders and partners such as the focal point of your State Party, and the contacts you have in other NGOs and the wider sector. Once you have finalized and sent in your submission to the State Party, you are ready, subject to your preferences and capacity, to publicize your findings to the media and online and begin the process of monitoring the progress your government is making.

Why should I spend my time doing this?

You are a busy member of society, doing important work; you may question the value of putting your own or your organization's time and resources into engaging with the Review Mechanism. Although it may sound like a distant and bureaucratic process, it is in fact a very direct way of engaging with your national authorities to bring about change at the policy level. What you are seeing on the ground, and the expertise that you have, can inform the outcome of the review and the actions that your government will take, and the assistance they will receive from the international community to improve that situation.

In the remainder of these guidelines, we aim to give you the tools and information you need to efficiently and effectively engage with the UNTOC Review Mechanism, always with a view to achieving change that will benefit your community and country.

Country-specific pilot initiatives

As part of UNODC Civil Society Team's (CST) project on 'Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (UNTOC) – SE4U, Its Review Mechanism and Related Activities,' which is implemented in cooperation with the GI-TOC, an opportunity is provided to State Parties to conduct voluntary country-specific 'pilot initiatives' aimed at strengthening cooperation between their competent national authorities, NGOs, academia and the private sector at the national level. Since the constructive dialogues envisaged in Resolution 9/1 will only take place following the conclusion of the working-group sessions, the pilot initiatives will be a unique opportunity to provide space for dialogue between the concerned governments and relevant stakeholders in preparation for the Working Group meetings. This will enable representatives of governments, civil society, academia, and the private sector to exchange views on how to work together on country-specific transnational organized crime priorities to ensure an effective review process.

The pilot initiatives would aim to find answers to the following questions:

1. How can the government, civil society, and the private sector work together to ensure an effective review mechanism?
2. What are the best areas civil society and the private sector can support Member States in the review process?

0

part

4

TOOLS FOR ENGAGEMENT OF CIVIL SOCIETY IN THE **REVIEW PROCESS**

CONTENTS

Civil society engagement and transparency pledge
Sample letter to state party focal point

46
47

Civil society engagement and transparency pledge

As the Review Mechanism is launched, CSOs in all countries should publicly remind their governments of the commitments made in Resolution 9/1. This could be called a civil society engagement and transparency pledge, which could be published on a website and used to put peer pressure on other governments to sign up.

As a State Party to the UN Convention Against Transnational Organized Crime (UNTOC), we are committed to reviewing implementation of the UNTOC and its Protocols through the Review Mechanism, as set out in the Conference of the Parties (COP) Resolution 9/1 and its annexed Rules and Procedures.

The role of groups and individuals outside the public sector, including the private sector, non-governmental organizations, and academia, is vital in preventing and combatting transnational organized crime, as recognized in the Convention and its Protocols.

The Rules and Procedures set out a clearly defined role for civil society in the review process, and therefore the Government of _____ is committed to involving civil society in the Review Mechanism in the following ways:

1. We will consult with relevant stakeholders in the preparation of our responses to the self-assessment questionnaire, including the private sector, non-governmental organizations, and academia.
2. With regard to the country review, we will engage in an open manner with all relevant civil society groups in the constructive dialogues, and we will encourage and support a wide and diverse range of civil society groups and organizations to attend the constructive dialogues.
3. With regard to the general review, we will engage in an open manner with all relevant civil society groups in the plenary of the COP when discussing the review process, and we will encourage and support a wide and diverse range of civil society groups and organizations to attend the constructive dialogues.
4. We will endeavor to engage in UNODC-led initiatives that aim to foster dialogue between the government and other stakeholders as envisaged in Resolution 9/1, including through pilot initiatives and stakeholder engagement for UNTOC activities.

In addition, we believe transparency is one of the most important principles of a worthwhile review process. Therefore, we commit to making public the responses to our self-assessment questionnaire, ensuing dialogue, and additional documentation.

Sample letter to state party focal point

In order to start the process of engagement, particularly if you do not have contact with the relevant government department leading the review process in your government, we suggest the following letter template to kick-start the engagement process:

UNTOC REVIEW MECHANISM SELF-ASSESSMENT

[Letter head]

[Date]

Re: Implementation of the Review Mechanism of the United Nations Convention against Transnational Organized Crime.

The Government of _____ will shortly be reviewed under the Review Mechanism of the United Nations Convention against Transnational Organized Crime (UNTOC).

The Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of UNTOC and the Protocols thereto established by Resolution 9/1 (2018) of the Conference of the Parties to the Convention (COP-UNTOC) explains that 'The State party under review is encouraged to prepare its responses to the self-assessment questionnaire through broad consultations at the national level with all relevant stakeholders, including, where appropriate, the private sector, individuals and groups outside the public sector, non-governmental organizations and academia, taking into consideration the specificities of the Convention and the Protocols thereto' (para. 23).

As an active organization focused on the issue(s) of _____ in your country, we stand ready to assist in providing information that will help the government to fully complete its self-assessment questionnaire.

We would like to be informed about the government's plans as to how it will undertake broad consultations with civil society and other relevant stakeholders and would appreciate to be provided with information regarding:

- Identification and contact details of the focal point with whom we should engage on the self-assessment process
- Details of process and timeline for the consultations the government will undertake with civil society and other stakeholders, as agreed in Resolution 9/1 of the COP-UNTOC

Your response and cooperation are genuinely appreciated.

Yours sincerely,

[Signature]

[Contact details]

D4

Helpful links

UNODC CST: <https://www.unodc.org/unodc/en/ngos/cst2-index.html>

UNODC HTMSS: <https://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuaside>

SHERLOC: <https://sherloc.unodc.org/cld/v3/sherloc/?lng=en>

E4J: <https://www.unodc.org/e4j/>

UNVTF: <https://www.unodc.org/unodc/en/human-trafficking-fund.html>

WILDLIFE: <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/index.html>

NGO ALLIANCE ON CRIME PREVENTION & CRIMINAL JUSTICE: <https://crimealliance.org/>

GI-TOC UNTOC: <https://globalinitiative.net/>

UNTOC COP: <https://www.unodc.org/unodc/en/organized-crime/intro/conference-of-the-parties.html>

GI-TOC: <https://globalinitiative.net/>

GI-TOC UNTOC WATCH: <https://globalinitiative.net/un-toc-watch/>

Contact details

UNODC CST: unodc-ngounit@un.org.

UNODC HTMSS: htmss@unodc.org.

GI-TOC: secretariat@globalinitiative.net.

05

part

EXAMPLES OF **UNODC WORK**

UNODC carries out many activities to address transnational organized crime in all its forms, furthering the implementation of the Convention and its Protocols.

As the guardian of the UN Convention on Transnational Organized Crime and its Protocols on Trafficking in Persons and Smuggling of Migrants, UNODC, through its Human Trafficking and Migrant Smuggling Section (HTMSS), assists Member States in the implementation of these instruments, primarily through its Global Programmes against Trafficking in Persons and the Smuggling of Migrants and the Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT).

HTMSS works with the broad civil society in enhancing comprehensive and multidisciplinary responses to trafficking in persons and the smuggling of migrants. To this end, HTMSS constantly engages with NGOs, service providers, representatives from the business sector and academia in providing technical cooperation, developing knowledge, and promoting international standards and coordination in international forums.



UNODC's Crime Research Section conducts research and data collection on TIP and SOM, including the issuing of regular Global Reports on Trafficking in Persons, the 2018 Global Study on Smuggling of Migrants, and the activities of the newly-established UN Observatory on Smuggling of Migrants, currently in its pilot phase.

Global Programmes against Trafficking in Persons and Smuggling of Migrants

In **Latin-America and the Caribbean**, UNODC has implemented regional, national and local projects through its field offices in Mexico, El Salvador, Guatemala, Panama, the Dominican Republic, Colombia, Ecuador, Brazil, Peru and Bolivia – with the support of the HTMSS at UNODC headquarters in Vienna. Previous projects have been focused mainly on supporting criminal justice practitioners and governing bodies on the use of accumulated knowledge in the fight against trafficking in persons. Doing so since 2013, UNODC has enhanced its cooperation with CSOs and academia supporting the work of the Latin-American Observatory on Human Trafficking and Migrant Smuggling named OBSERVALATRATA²⁰, which is an independent space for the articulation of diverse actors from academia and civil society for the collective production of knowledge, debates, training and social and political incidence around the phenomena of Human Trafficking and Migrant Smuggling within the region. It comprises 76 CSOs, 25 universities, 6 national, and 3 regional networks from 15 countries. UNODC has facilitated coordination spaces for OBSERVALATRATA members at the national and regional levels in 2013 and 2017 in Colombia, 2015 in Bolivia, 2017 in Peru and 2018 in Ecuador.

In **Cabo Verde**, within the context of the UNODC Global Programme against Trafficking in Persons (GLOT59) and UNODC Regional Programme for West and Central Africa (2016–2020), UNODC delivered a training programme aimed at strengthening the government of Cabo Verde's criminal justice response to trafficking in persons in a holistic manner by enhancing the capacity of criminal justice practitioners of the different islands to identify/understand human trafficking, be more familiar with the new Penal Code adopted in 2015 and effectively investigate and prosecute trafficking in persons cases through a victim-centred approach. The activities were also aimed at improving the coordination and capacity of criminal-justice practitioners from both the government and civil society.

UNODC Regional Office for the Middle East and North Africa (ROMENA) is also implementing a project on strengthening capacities of civil society in **Morocco** to identify and provide services to victims of trafficking in persons, which aims to support Moroccan civil society to identify cases of trafficking in persons (TIP) for the purposes of sexual exploitation and forced labour and to ensure that, through capacity building, victims receive adequate protection and assistance, the provision of grants and on-the-job mentoring. To ensure sustainability, multi-disciplinary training promotes coordination for identification and referrals between relevant entities, including state and non-state actors. Standard operational procedures (SOPs) will aim to institutionalize good practices in the identification of TIP victims and their referral to victim service providers. These activities also aim to assist the Moroccan government in the implementation of the National Action Plan to combat human trafficking adopted in 2015, whereby Moroccan authorities select UNODC as partner to, amongst others, support the establishment of a national referral mechanism and TIP victim-identification procedures.

GLO.ACT Asia and the Middle East

The Global Action against Trafficking in Persons and the Smuggling of Migrants – Asia and the Middle East (GLO.ACT Asia and the Middle East) is a four-year (2018–2022) joint initiative by the EU and UNODC being implemented in partnership with the International Organization for Migration (IOM) in five countries: Islamic Republic of Afghanistan, Bangladesh, Islamic Republic of Iran, Republic of Iraq and Islamic Republic of Pakistan.

The GLO.ACT Bangladesh team has actively been engaged with CSOs since the inception of the initiative in the country. Multiple meetings took place in 2019 to exchange views and share best practices on the needs and priorities for Bangladesh with regard to addressing trafficking in persons and the smuggling of migrants, with a view to strengthening the partnership with non-governmental actors.

- NGOs and international non-governmental organizations (INGOs) involved in these efforts include: Bangladesh Rural Advancement Committee (BRAC), Terre Des Homes Foundation, Rights Jessore, Ahsania Mission, Centre for Women and Children Studies (CWCS), INCIDEN Bangladesh, Winrock International (Bangladesh Counter Trafficking Project and Ashshash Project Team), Ovibashi Karmi Unnayan Program (OKUP) and Justice and Care.

Two working groups – on human trafficking and labour migration – have recently been established in the framework of the national activities relating to the work of the UN Network on Migration in Bangladesh. The two groups consist of UN agencies and CSOs working to counter trafficking in persons for labour exploitation and related migration issues in the country. Furthermore, under GLO.ACT Asia and Middle East, there are currently ongoing efforts to establish a regional women’s network on TIP and SOM that includes civil society actors, and the local civil society representatives have played a pivotal role in identification and coordination of relevant female criminal justice practitioners to be part of it. Civil society actors are engaged to shape the discourse on the role of the network through their participation in key national and international meetings about its development.

United Nations Voluntary Trust Fund for Victims of Trafficking in Persons (UNVTF)

The United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children (UNVTF) was created in 2010 as an integral part of a Global Initiative to address trafficking in persons. Managed by the UNODC, the trust fund provides humanitarian, legal and financial aid to victims of trafficking in persons through established channels of assistance, including governmental and non-governmental organizations.

The trust fund has provided US\$3.5 million in grants to more than 60 specialized NGOs worldwide who directly assist around 3 500 victims per year in 40 countries.

The trust fund is actively engaged with CSOs and supports NGOs through the network of its board, the trust fund secretariat and UNODC human trafficking experts. The trust fund showcases the work of its NGO partners in the fight against human trafficking to increase its visibility and global support efforts to victims. The board also engages civil society in advocacy and resource mobilization efforts at global and local levels with significant time and resources invested into strengthening relationships with partners to

increase global support efforts to victims of human trafficking. This recently included a meeting between GLO.ACT and the trust fund, where the secretariat presented its work with states and the private sector.

Every year, the trust fund sends out calls for proposals inviting applications from CSOs to support their work.

Global Firearms Programme

Through the Global Firearms Programme (GFP), the UNODC is assisting countries to address the issue of illegal manufacturing of and illicit trafficking in firearms and related crimes, through an integrated approach based on five main pillars, namely: legislative and policy development; preventive and security measures; criminal justice response; international cooperation; and data collection and analysis. As part of UNODC's continuous efforts to prevent and combat illicit trafficking in and misuse of firearms through the implementation of the Firearms Protocol and its parent Convention on Organized Crime UNTOC, the GFP also encourages and facilitates the participation and oversight of civil society as a cross-cutting issue in its main activities.

Global Programme for Combating Wildlife and Forest Crime

Through its Global Programme for Combating Wildlife and Forest Crime, the UNODC has developed a successful partnership with the NGO 'TRACE Wildlife Forensics Network'. Together, these organizations promote the use of forensic science to support wildlife law enforcement. Over a period of five years, this collaboration has yielded many positive results, building wildlife forensic capacity from crime scene to court room' in partner countries in Africa and Asia. Technical assistance has been provided through wildlife forensics needs assessments, training, laboratory infrastructure, analysis services, support to develop national and regional level capacity-building plans and through the establishment of a network.



SHERLOC knowledge management portal

The SHERLOC knowledge management portal is an initiative to facilitate the dissemination of information regarding the implementation of the United Nations Convention against Transnational Organized Crime (Organized Crime Convention), the three Protocols thereto and the international legal framework against terrorism. The SHERLOC knowledge management portal contains databases of case law, legislation, treaties, national strategies, and bibliographic abstracts concerning organized crime and terrorism. It also hosts a legislative guide on implementation of the Organized Crime Convention.

Each of SHERLOC’s databases is searchable by keyword and can be filtered according to country, crime type and relevant cross-cutting issues. The 15 crime types covered by SHERLOC are: participation in an organized criminal group, corruption, counterfeiting, drug trafficking, money laundering, obstruction of justice, cybercrime, piracy and maritime crimes, smuggling of migrants, trafficking in persons, trafficking in cultural property, wildlife crimes (including forest and fisheries crime), falsified medical products-related crime, trafficking in firearms, and terrorism. Relevant cross-cutting issues include matters pertaining to investigations, international cooperation, and the protection of victims, among others. Additionally, SHERLOC is available in each of the six UN languages (Arabic, Chinese, English, French, Russian and Spanish).

The screenshot shows the SHERLOC portal interface. At the top right, there is a language selector set to 'English'. The main header includes the UNODC logo and the SHERLOC title. A descriptive paragraph follows. The 'Hot Topics' section features a blue box with a fingerprint icon and the text: 'Electronic Evidence. This section on Electronic Evidence provides an overview of different type of resources (laws, jurisprudence, bibliographic abstracts, policies etc.) adopted at national and regional level to regulate the use and admissibility of electronic evidence in legal proceedings.' Below this, the 'Databases' section lists several resources with icons and descriptions:

- Case Law Database:** A comprehensive case law database that allows you to see how Member States are tackling cases related to organized crime and terrorism in their courts.
- Database of Legislation:** An electronic repository of laws relevant to the requirements of the Organized Crime Convention, the Protocols thereto and the international legal framework against terrorism. Most of the legislation included in this database has been enacted specifically to counter the relevant crime type.
- CNA Directory:** Directory of national authorities that have been designated to receive, respond and process requests pertaining to mutual legal assistance, extradition and transfer of sentenced persons, smuggling of migrants by sea, trafficking in firearms, prevention of transnational organized crime, trafficking in cultural property, asset recovery, prevention of corruption, international cooperation in civil and administrative proceedings relating to corruption and terrorism.
- Bibliographic Database:** An annotated bibliography providing synopses of key articles on organized crime and terrorism, searchable by countries, research methods and keywords.
- Legislative guide:** The main purpose of the legislative guide contained in the present publication is to assist States seeking to ratify or implement the United Nations Convention against Transnational Organized Crime (English only).
- Treaties:** A database containing the ratification status of the Organized Crime Convention, the Protocols, 19 international legal instruments against terrorism and other relevant legal instruments.
- Strategies:** A database containing strategic instruments on the regional and domestic implementation of the Organized Crime Convention, the Protocols thereto and the international legal framework against terrorism.

SHERLOC has a diverse user base that includes law enforcement, legal practitioners, academics, students, and NGOs. It can be used for academic research, designing legal reforms, developing training courses, raising awareness and analysing the implementation of the Organized Crime Convention and Protocols, as well as the international legal framework against terrorism. Individuals and organizations can contribute to SHERLOC through the submission of relevant laws, judicial decisions, and national strategies for upload by the SHERLOC team. All materials uploaded to SHERLOC are verified with the relevant Member State to ensure that they are accurate and up to date.

As part of UNODC's project 'Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (UNTOC) – SE4U, Its Review Mechanism and Related Activities,' a common UNODC-wide online knowledge hub – WhatsOn – has been set up for relevant stakeholders, including NGOs, academia and the private sector doing work related to or relevant to transnational organized crime.

Powered by SHERLOC, WhatsOn allows users not only to display contact details, but also to support the following features:

- Serve the interest of everyone by engaging relevant stakeholders (NGOs, academia and the private sector) on UNTOC matters
- Provide a database that brings together a range of relevant stakeholders from NGOs, academia and the private sector
- Foster greater and easy networking among its members
- Allow Member States and UNODC to identify partners to assist them in the implementation of UNTOC and its three Protocols
- Allow user interaction and facilitate open dialogue and collaborative knowledge building on organized crime issues among all stakeholders
- Serve as a repository of tools – international instruments such as UNTOC and its Protocols, regional and national policies, and good practices.

Education for Justice (E4J)

The role of education for the prevention of crime, violence, and corruption cannot be over emphasized. More specifically, under article 31(5), UNTOC calls for its parties to promote public awareness on the issues concerning TOC, as well as to promote public participation in the prevention thereof. In this regard, the education sector as a whole, including academia, research and higher education institutions, play an important role in educating society, disseminating knowledge, and critically analysing organized crime-related issues. Such analysis is critical not only to prevent organized crime, but also to understand its root causes and the interlinkages between its different manifestations.



UNODC E4J Comic Book Series

E4J created *San Servolo*—a series of three comics focusing on Sustainable Development Goal (SDG) 16 on Peace, Justice and Strong Institutions. The comic series was developed with the aim of providing educators with a resource that resonates with students’ personal interests and identities and increases their investment in learning about global challenges to the rule of law.

Further information at: <https://www.unodc.org/e4j/en/secondary/comics.html>

E4J University Modules related to the Organized Crime Convention and the Protocols Thereto

Within the framework of the E4J Initiative, UNODC coordinated the development of a series of modules related to the crimes covered by the Organized Crime Convention and the Protocols thereto. The modules offer a careful analysis of the existing conceptual landscape and examine some of the key provisions of the UNTOC and the Protocols thereto.

Further information at:



E4J University Module Series on Organized Crime:
<https://www.unodc.org/e4j/en/tertiary/organized-crime.html>



E4J University Module Series on Trafficking in Persons & Smuggling of Migrants:
<https://www.unodc.org/e4j/en/tertiary/trafficking-in-persons-smuggling-of-migrants.html>



E4J University Module Series on Firearms Trafficking:
<https://www.unodc.org/e4j/en/tertiary/firearms.html>



E4J University Module Series on Cybercrime:
<https://www.unodc.org/e4j/en/tertiary/cybercrime.html>



E4J University Module Series on Wildlife Crime:
<https://www.unodc.org/e4j/en/tertiary/wildlife-crime.html>



UNODC E4J global e-learning course on organized crime

This self-paced module focuses on understanding organized crime, organized criminal groups and provisions of the UN convention on organized crime. It also focuses on the social and criminal justice responses to organized crime, including law enforcement tools and prosecution strategies.

Available in English, French and Spanish.

Duration: 90 min.

Further information at: <https://www.unodc.org/elearning/en/courses/public.html>

06

part

EXAMPLES OF CIVIL SOCIETY WORK RELATED TO **UNTOC**

CSOs in challenging circumstances, including Least Developed Countries (LDCs), and their role in countering TOC:

While there are examples demonstrated in this document of the positive collaboration on UNTOC and its Protocols from civil society, there are individuals and organizations working in more isolated or challenging circumstances who will benefit from these guidelines. There are a number of serious risks for CSOs engaging on TOC. There are rarely local CSOs dedicated specifically to the investigation of criminal behaviour, advocacy against criminal groups and acts, or to mitigating the impact of criminality on the community and the vulnerable. It is, instead, a cross-cutting issue that has overlaps and intersections with other more established fields of action.

The remainder of this section outlines some of the inspiring stories of individuals and organizations working to improve their communities' ability to counter the damaging effects of organized crime:

Centre for Natural Resource Governance (CNRG), Zimbabwe



In the mining community of Marange in Zimbabwe, CNRG has set up a research team to tackle the problem of transnational organized crime involving illegal diamond trade. The initiative is led by the CNRG, with financial support from the GI-TOC's Resilience Fund. The communities working the Marange diamond fields, said to contain the largest deposits of diamonds discovered in more than a century, have been subjected to crackdowns by state actors and have protested alleged widespread state capture of revenue from the diamonds. According to Marange villagers, diamonds are being lost to

syndicates that comprise artisanal miners, mine workers and members of the security sector. In local Marange parlance, the strategy is called 'comms' – shortcut for coordinated communication. The director of the CNRG, Farai Maguwu, noted that the syndicates are part of an organized crime network and that they are a major reason for the illicit financial flows from Marange. Transnational organized crime violently erodes community safety nets, security, and livelihoods, and, like many other communities around the world, the people of Marange are bearing the burden. The CNRG is working to empower their communities with the data, research and advocacy skills needed to tackle this form of transnational organized crime.²¹

Cape Town counter crime activist, South Africa

Recently, Cape Town has been in the headlines for the wrong reasons. As *The Guardian* reported in a series on South African cities in October 2019, after almost a thousand murders in the first six months of 2019 in the Cape Flats area of the city, the army was deployed to try to impose some kind of order. The reception to the military presence has been mixed in the Cape Flats communities, and even if a short-term reduction in violence is achieved, the underlying social conditions that catalyze the high levels of gang-related violence will require more than the presence of the army to reverse. In the Cape Flats, along with countless other communities around the world, there are community champions, activists, collectives, and community groups coming together to help forge a different future. In the face of the pernicious and insidious damage inflicted by organized crime, and inadequate, counterproductive – or even lack of – state responses, members of the community are looking to form their own responses and build pockets of resilience. One such activist is Roegshanda Pascoe, who carries out activism and community support work in the Cape Flats area of South Africa, including:

- Victim support and empowerment. Acting as a first responder when a crime is committed and assisting the victim/family with contacting the police and laying a complaint and connecting them to trauma support and medical assistance.
- Regular meetings with other activists on how to engage with the state and reduce crime in their communities
- Informal and formal mediation with gang members and leaders
- Mentoring and training for community activists in the Cape Flats

Through her actions, she is contributing to building her community's resilience to organized crime, but also building up a picture of what organized crime does to communities at the grassroots level.



Roegshanda Pascoe

Journalist and counter-crime activist, Mexico

In the last year alone, 12 journalists have been killed in Mexico and there have been more than 150 cases since 2000. In addition, there have been countless other instances of threats, intimidation, and kidnappings. And most cases remain unsolved. Despite the army presence on the streets, Mexico has become the most dangerous country in the world for journalists. The main threats come from organized criminals and from the authorities themselves, who are often in cahoots with them. Javier Valdez was murdered in Culiacán, Sinaloa, in 2017. He was Griselda Triana's husband, and she is still living with the consequences to this day. Since her husband was murdered, Griselda has publicly led a coalition of civil-society actors who are pursuing his case with the federal authorities. She has also vigorously defended the freedom of the press and has continued talking about the topics that Valdez wrote about: disappearances, human rights, and violence. And she still finds time to talk to other victims, despite her own fatigue and pain. The project she is now developing with the support of the Resilience Fund allows Griselda to approach the families of murdered journalists to learn about their survival stories and to hear about the obstacles and the challenges they have had to face. Her focus is on resilience, on finding what has made the victims' families stronger, on joining their voices together to seek, if not all the answers, then at least respect for their rights and the reparations they deserve.



Griselda Triana, in conversation with supporters and fellow campaigners

Civil society monitoring of drug trafficking, Guinea-Bissau

The Guinean Human Rights League is an NGO founded in 1991 for the promotion and protection of human rights. It has made a vital contribution towards the consolidation of the rule of law in Guinea Bissau.²²

The organization submits reports and statements to international human rights mechanisms such as the UN treaty bodies, the Universal Periodic Review and the African Commission on Human and Peoples' Rights. The organization is now contributing to the process of consolidating the rule of law and combating impunity by forming an informed and critical public opinion against organized crime, in particular, drug trafficking, through:

1. Training activists and journalists in the follow-up and monitoring of drug-related court cases
2. Holding cyclical meetings with public decision makers, judicial institutions, and CSOs
3. Conducting field missions to monitor and assess the situation related to organized crime in vulnerable areas
4. Disclosure and reporting of drug-related cases via the website, social networks, local radios, and newspapers.



A community meeting organized by the Guinean Human Rights League

DHIA 'Amig@ Migrante Mantente Segur@', Mexico

Derechos Humanos Integrales en Acción (DHIA) was founded in 2013 with the objective of ensuring migrant and LGBT human rights.²³ It has developed several projects in the areas of migrant protection, migrant care, and investigations for the design and creation of protection standards for migrants. It has also developed a prevention project regarding people trafficking through educational workshops and theatre for children and adolescents.

This organization is implementing a campaign to inform and guide foreign migrants who are asylum seekers on risks and insecurities in Ciudad Juárez, as well as the legal processes they are entitled to. The campaign is delivered in the city's Albergue Federal de Atención a Migrantes (a shelter) through an audio-visual strategy that includes:

- Information sessions for foreign migrants on how to file complaints if they are victims of a crime
- Evaluating the knowledge acquired by migrants through a baseline survey and a finalization survey
- Giving leaflets and infographics to migrants in the shelter about risks and complaints processes

National Initiative Against Organized Crime, Pakistan

National Initiative against Organized Crime (NIOC), in collaboration with the Global Initiative Resilience Fund is the first-ever initiative in Pakistan launched by a group of committed professionals and experts with law enforcement, media and other public service backgrounds.²⁴ NIOC aims to build community resilience and influence public policy to combat organized crime. Initially launched as a pilot project for six months with effect from 1 November 1 2019, it aims to jump-start not only the discussion around transnational organized crime in Pakistan, but also to facilitate the government work.

With a complex governance structure having multiple layers of stakeholders, and the criminal justice system and law enforcement apparatus requiring better coordination and capacity building, NIOC will try to identify the gaps and suggest improvements in the system.

NIOC-Pakistan is housed within the Pakistan Institute for Peace Studies in Islamabad, Pakistan's capital, which sits at the heart of the country's international linkages. NIOC is currently focusing on preparing Policy Briefs for relevant stakeholders on four categories of organized crime: terror financing, drug trafficking, human trafficking, and cybercrimes. It is also reviewing the nexus between the current pandemic and organized crime in Pakistan.



**NATIONAL INITIATIVE
AGAINST ORGANIZED CRIME
PAKISTAN**



A meeting of the NIOC Advisory Board

Fundación Solidaria – Vicaria para la Paz, Colombia

Fundación Solidaria is an entity of Cali’s Archdiocese known for being one of the main actors working with vulnerable and highly violent neighbourhoods in the city of Cali, along with the Vicaria para la Paz. The Vicaria’s urban peace strategy involves promoting coexistence and reducing the presence of gangs, violence, and homicides in selected neighbourhoods, by engaging with youth previously involved in criminality and violent settings.

Their work strengthens the community peace strategy in urban-rural contexts in Cali, by expanding the peace councils composed of at-risk youth representatives, as well as their activities with communities aimed at transforming violent territories, allowing their own re-entry into society and preventing others from carrying out criminal activities.

Their activities include:

- Awareness-raising campaigns to contribute to community building and the respect for life
- Creation of spaces for dialogue and trust to strengthen communities’ links and reconciliation processes
- Strengthening the ties between at-risk youth and their communities, including children, and engaging with local institutions
- Consolidation of a security observatory and a communications strategy to engage community members

Building resilient communities through aftercare for survivors of sexual violence – Rapha International, Haiti

Founded in 2003, Rapha’s mission is to end the trafficking and sexual exploitation of children through aftercare for survivors, prevention for the vulnerable, and awareness for all.²⁵ They work with various agencies to transfer underage survivors into their care, and alongside local authorities to rescue these survivors.

One of their current projects aims to identify underage survivors of trafficking and sexual exploitation among Internally Displaced Persons (IDPs) from communities affected by gang violence in the Port-au-Prince area and to assist them with aftercare services.

Activities:

- Identify underage survivors of sex trafficking and sexual exploitation from communities rattled by organized crime
- Assist those survivors with trauma-informed-care services
- Engage with those survivors’ families of origin in poverty alleviation activities to help them build 25 microenterprises through microfinancing



Safe and sound: Building community resilience to human trafficking, Vietnam

Blue Dragon was created in 2004 in Vietnam. Its overall purpose is to provide exceptional care to Vietnamese children and families in crisis while creating long-term change for a better world.²⁶ Blue Dragon provides comprehensive, individualised case management tailored to the individual needs of each street-connected child.

They have designed an innovative programme of work through sustainable interventions aimed at building community knowledge and resilience to human trafficking, which includes the following activities:

- Building community resilience to human trafficking, through establishing Early Warning Systems (EWS) at village and school level
- Improving access to justice for victims of human trafficking, while simultaneously educating communities about the risks of trafficking, the tricks of traffickers, and the penalties for involvement in trafficking
- Bringing court proceedings to rural, indigenous areas

It is these kinds of CSOs and individuals who will benefit the most from these guidelines – through understanding how their activity could lead to change within their countries and even contribute to a better global understanding of how to drive action against organized crime at the community level.

All of these individuals and organizations have been supported by the GI-TOC Resilience Fund. The Resilience Fund, generously supported by the Government of Norway, helps individuals and organizations around the world in building their communities' resilience to organized crime. Since its launch in 2019, the Fund has distributed just over US\$1 million in small grants to more than 40 beneficiary organizations and individuals and has delivered additional capacity-building and networking support to those beneficiaries. For more examples of civil society responses to organized crime, visit the UNODC Knowledge Hub – WhatsOn – and the website of the Resilience Fund.²⁷

part 7

LINKAGE TO
SUSTAINABLE
DEVELOPMENT GOALS
(SDGs)



The implementation of the Convention and its Protocols directly contributes to the attainment of the Sustainable Development Goals (SDGs), particularly SDG 5: Achieve gender equality and empower all women and girls; SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; and SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.

UNODC supports Member States to reach the Targets under SDG 5 by: promoting access to justice for women and girls; supporting the development of legislation and policies that protect their rights and prevent, as well as respond to, violence against women and girls; developing institutional and professional capacities relevant to respecting, protecting and fulfilling the rights of women and girls; and creating the conditions for women and girls to be in a position to claim their rights and be active agents of change.

Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

UNODC continues to implement alternative development programmes in countries most severely affected by illicit drug cultivation and support poor farmer communities involved in illicit cultivation to engage in licit income alternatives. Through on-the-groundwork, UNODC addresses the challenges of food insecurity, sustainable agriculture, and economic growth in these communities. In particular, UNODC helps farmers to form associations in order to secure market access for their products and promote sustainable income generation over the long term, ultimately contributing to SDG 8.

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children, and Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

The UNODC–UNICEF Global Programme on Violence against Children supports countries to ensure that children are better served and protected by justice systems, and that measures are put in place to prevent and respond to all forms of violence against children, supporting the achievement of Targets 16.2 and 16.3. Through its data collection for the biennial Global Report on Trafficking in Persons, UNODC supports the monitoring of the exploitation and trafficking of children.

Target 16.4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

UNODC offers Member States a full spectrum of tools to strengthen anti-money-laundering legal frameworks and develop capacities of national agencies to investigate money laundering and terrorism financing, to disrupt illicit financial flows and to support the recovery of stolen assets. Asset recovery is the most innovative chapter of the UNCAC on which UNODC’s work in the domain rests.

Through various global programmes on money laundering, counter-terrorism and organized crime, UNODC and its partners at international and regional levels have been supporting the establishment and activities of various regional cooperation structures in prosecution, law enforcement, financial intelligence and asset recovery.

Target 16.5: Substantially reduce corruption and bribery in all their forms.

The UNCAC contains the most comprehensive set of legal commitments by governments to tackle corruption, including bribery. The Implementation Review Mechanism was established to assist State Parties in their implementation of the Convention. The Mechanism promotes the purposes of the Convention, provides the Conference of the States Parties with information on measures taken by States Parties in implementing the Convention, and helps States Parties to identify and substantiate specific needs for technical assistance to promote and facilitate the provision of such assistance.

Since 2011, UNODC has been bringing together CSOs with respective governments and private-sector stakeholders to increase their capacities to work together on the implementation of the UNCAC.

Target 16.a.1: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

UNODC is scaling up its regular data collection and analysis system to make it fit the needs of monitoring SDG 16. Furthermore, UNODC is consolidating its long-time global series related to homicide, trafficking in persons and criminal justice efficiency, among others, as well as refining the indicators to address new

needs while at the same assisting countries to strengthen their capacity to monitor SDG 16. For each of these targets, the international community has agreed on specific indicators that are based either on data collected from administrative sources or on data derived from sample surveys, and UNODC offers its experience in monitoring the relevant indicators to assess progress towards the SDGs.

Target 17.16: Enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries.

UNODC is strongly committed to strengthening multi-stakeholder collaborations, bringing together governments, international partners, civil society, the private sector, academia, and other stakeholders as reflected in SDG 17, which is dedicated to maintaining existing partnerships and exploring new ones.

Through the CST project entitled 'Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (UNTOC) – SE4U, Its Review Mechanism and Related Activities,' UNODC fosters greater partnerships between NGOs, academics, and the private sector.

Target 17.17: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.

UNODC is well positioned to convene multi-stakeholder alliances at international level and has committed itself to reinforcing advocacy campaigns to raise awareness about organized crime and to building partnerships that can substantively broaden and strengthen public and private support for the tackling of the world's most serious crime- and justice-related problems.

Glossary

ASD2030	2030 Agenda for Sustainable Development
BRAC	Bangladesh Rural Advancement Committee
CCPCJ	Commission on Crime Prevention and Criminal Justice
CND	Commission on Narcotic Drugs
CNRG	Centre for Natural Resource Governance
COP	Conference of the Parties
CSO	Civil Society Organization
CST	Civil Society Team
CWCS	Centre for Women and Children Studies
DHIA	Derechos Humanos Integrales en Acción
DPA	Division of Policy Analysis and Public Affairs
E4J	Education for Justice
EU	European Union
EWS	Early Warning Systems
FBI	Federal Bureau of Investigation
GFP	Global Firearms Programme
GI-TOC	Global Initiative against Transnational Organized Crime
GLO.ACT	Global Action against Trafficking in Persons and the Smuggling of Migrants
GLOT59	UNODC Global Programme against Trafficking in Persons
HTMSS	Human Trafficking and Migrant Smuggling Section
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
INGO	International Non-Governmental Organization
LDC	Least Developed Countries
NGO	Non-governmental organization
NIOC	National Initiative against Organized Crime
OBSERVALATRATA	Latin-American Observatory on Human Trafficking and Migrant Smuggling
OKUP	Ovibashi Karmi Unnayan Programme
SE4U	Stakeholder Engagement for UNTOC
SOP	Standard operational procedure
SDG	Sustainable Development Goal
SHERLOC	Sharing Electronic Resources and Laws on Crime
SOM	Smuggling of Migrants
TIP	Trafficking in Persons
TOC	Transnational Organized Crime
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNGASS	UN General Assembly Special Session
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
UNVTF	United Nations Voluntary Trust Fund for Victims of Trafficking in Persons

- 1 | See <https://www.unodc.org/documents/NGO/SE4U/UNODC-SE4U-Toolkit-Interactive-WEB.pdf>
- 2 | GI-TOC, Organized crime: A cross-cutting threat to sustainable development, January 2015, <https://globalinitiative.net/wp-content/uploads/2015/01/global-initiative-organized-crime-as-a-cross-cutting-threat-to-development-january-2015.pdf>
- 3 | GI-TOC, Results-based approaches to organized crime and development: Input into the post-2015 development agenda, April 2015, <https://globalinitiative.net/wp-content/uploads/2015/04/Global-Initiative-Results-Based-Approaches-to-Organised-Crime-and-Development-2015.pdf>
- 4 | See United Nations, Civil society, <http://www.un.org/en/sections/resources-different-audiences/civil-society/>
- 5 | See World Bank, Civil society, <https://www.worldbank.org/en/about/partners/civil-society/overview>
- 6 | ECOSOC, Working with ECOSOC: An NGOs guide to consultative status. UN, 2018, http://csonet.org/content/documents/ECOSOC%20Brochure_2018_Web.pdf
- 7 | UNODC, Civil society for development: Opportunities through the United Nations Convention against Corruption, UN, 2019, https://www.unodc.org/documents/NGO/Fast-tracking/18-06316_eBook.pdf
- 8 | UNODC, United Nations Convention against Transnational Organized Crime and the Protocols Thereto, <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>
- 9 | Ibid.
- 10 | UNODC Civil Society Team, Looking beyond: Towards a stronger partnership with civil society organizations on drugs and crime, https://www.unodc.org/documents/NGO/New_Leaflet_Looking_Beyond.pdf
- 11 | UNTOC Review Mechanism, Resolution 9/1: Establishment for the mechanism for the review of the implementation of the United Nations convention against transnational organized crime and the protocols thereto, <https://www.unodc.org/documents/treaties/UNTOC/Review%20Mechanism/Resolution/English.pdf>
- 12 | For more information about the role and activities of the CST, see <https://www.unodc.org/unodc/en/ngos/cst.html>
- 13 | Countries must become Parties to the Convention itself before they can become Parties to any of the Protocols.
- 14 | See <https://www.unodc.org/documents/treaties/UNTOC/Review%20Mechanism/Resolution/English.pdf>
- 15 | The review of articles 8 and 9 of the Convention is only for those States Parties to the Organized Crime Convention that are not Party to the United Nations Convention against Corruption.
- 16 | Examples are based on the Status of adherence to the Convention and the Protocols in December 2019. Such status may change over time.
- 17 | UNODC, Rules of procedure for the Conference of the Parties to the United Nations Convention Against Transnational Organized Crime, 2005, https://www.unodc.org/pdf/ctoccop_2006/05-85142_ebook-E.pdf
- 18 | See <https://www.unodc.org/unodc/en/treaties/CTOC/CTOC-COP-session10.html>
- 19 | See <https://sherloc.unodc.org/cld/v3/sherloc/>
- 20 | See <http://observatratata.com/>
- 21 | For more information about CNRG, see <https://www.cnrzgm.org/>
- 22 | For more information about Civil Society Monitoring of Drug Trafficking, see <http://www.lgdh.org/>
- 23 | For more information about DHIA, see <http://dhia.mx/>
- 24 | For more information about NIOC, see <https://nioc.pk/>
- 25 | For more information about RAPHA International, see <https://rapha.org/>
- 26 | For more information about Blue Dragon, see <https://www.bluedragon.org/>
- 27 | Resilience Fund, <https://resiliencefund.globalinitiative.net/>



United Nations Office on Drugs and Crime
Civil Society Team

Vienna International Centre | P.O. Box 500 | A-1400 Vienna, Austria
E-mail: unodc-ngounit@un.org