



UNODC

United Nations Office on Drugs and Crime

TOOLKIT ON STAKEHOLDER ENGAGEMENT

Implementing the United Nations Convention
against Transnational Organized Crime (UNTOC)



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This publication has been made possible thanks to the contribution from the Government of the United States of America.

TOOLKIT

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Acknowledgements

This publication was developed by the United Nations Office on Drugs and Crime (UNODC) with the financial support of the Government of the United States of America.

The publication was drafted by Yuliya Zabyelina (independent consultant) under the guidance of Billy Batware, Anders Frantzen and Mirella Dummar-Frahi (UNODC Civil Society Team). Within UNODC, input was received from Colin Craig, Antonio De Vivo, Xiaohong Li, and Riikka Puttonen (Organized Crime and Illicit Trafficking Branch); Gabriele Aiello, Morgane Nicot, Zoi Sakellidou, Matthew Robert Taylor and Alessia Vedano (Human Trafficking and Migrant Smuggling Section); Simonetta Grassi and Silvia De Pedro (Global Firearms Programme); Jenna Dawson-Faber (Global Programme for Combating Wildlife and Forest Crime); and Lulua Asaad, Gilberto Duarte and Bianca Kopp (Education for Justice Initiative/Global Programme for the Implementation of the Doha Declaration). The publication was designed by Leland (independent consultant) with support from Citlali Souloumiac (UNODC Civil Society Team).

UNODC is also grateful for the support it received from non-governmental stakeholders whose work is featured in this publication and who are its target audience.

FOREWORD

Civil society is an essential partner for the United Nations Office on Drugs and Crime (UNODC) in our work to deliver for the people who need us most. The United Nations has dedicated its 75th anniversary year to involving as many people around the world as possible in shaping the future of global cooperation. We need to further strengthen engagement with non-governmental organizations, academia, the private sector and other stakeholders if we are to address common challenges effectively and achieve the Sustainable Development Goals (SDGs).

This is equally true for realizing SDG 16 and its target on combating transnational organized crime. The international community has the tools governments need to do this with the United Nations Convention against Transnational Organized Crime and the Protocols thereto (UNTOC), but implementation needs to step up. Involving non-governmental stakeholders is part of the equation.

The Doha Declaration, adopted at the 13th United Nations Congress on Crime Prevention and Criminal Justice in Qatar in 2015, called on Member States to make more effective use of UNTOC, among other legal instruments, with the involvement of civil society, the private sector and academia. The importance of these stakeholders was further recognized by Member States when they established a new mechanism to review implementation of UNTOC in October 2018.

As guardian of UNTOC and its Protocols, UNODC delivers capacity building and technical assistance to Member States to support their implementation of the Convention. As part of this work, we strive to enable and promote the engagement of non-governmental stakeholders, providing them with entry points to help advance implementation of UNTOC.

I encourage our non-governmental partners to make use of this new Toolkit to enhance their involvement in policy dialogue and partnerships against transnational organized crime. Broad cooperation, best practice sharing and inclusive participation in the new review process will give the international community a better chance of curtailing transnational organized crime from destroying lives and will promote the rule of law and sustainable development for all.



Ghada Waly, Executive Director
United Nations Office on Drugs and Crime

“The United Nations is a tailor-made platform for governments, business, civil society and others to come together to formulate new protocols and norms, to define red-lines, and to build agile and flexible regulatory frameworks. Some responses may require legally-binding measures. Others may be based on voluntary cooperation and the exchange of best practices. (...)”

Too often, governments and international institutions are viewed as places that talk —not places that listen. I want the United Nations to listen. (...) I want to provide as many people as possible the chance to have a conversation with the United Nations. To share their hopes and fears. To learn from their experiences. To spark ideas for building the future we want and the United Nations we need.”

António Guterres, United Nations Secretary-General¹

Introduction

Transnational organized crime encompasses virtually all serious profit-oriented criminal activities of an international scope, such as where more than one country is involved or where the offense has effects across national borders. Organized criminal groups undermine the rule of law and bring economic loss, human suffering and environmental harm. Their activities have a significant impact on the livelihoods and quality of life of people, mainly the poor and most vulnerable.

The United Nations Office on Drugs and Crime (UNODC) is the guardian of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (henceforth “UNTOC” or “Organized Crime Convention”) which represents a major step forward in the fight against organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it. The purpose of the Organized Crime Convention is “to promote cooperation to prevent and combat transnational organized crime more effectively” (UNTOC, art.1). Mechanisms for achieving this goal include, inter alia, engagement of States Parties with relevant non-governmental stakeholders, such as civil society organizations (CSOs), the academic community and the private sector.

Pursuant to article 32 of the Organized Crime Convention, a Conference of the Parties to the Convention (COP-UNTOC) was established to improve the capacity of its Parties to respond to transnational organized crime and promote the implementation of the Convention. At the 9th session of the COP-UNTOC, a Review Mechanism for the Implementation of the Convention (henceforth “Review Mechanism”) was adopted by COP-UNTOC resolution 9/1.² In paragraph 53 of the Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (henceforth “Procedures and Rules of the Review Mechanism”), the Parties to the Convention reaffirmed that non-governmental stakeholders play a crucial role in countering transnational organized crime and expressed their commitment to promote “constructive dialogue” with them.

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.”³ UNODC’s Civil Society Team (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. It supports the participation of CSOs in intergovernmental meetings in line with relevant mandates and rules of procedure for the respective intergovernmental bodies and delivers training to help them interact constructively with the United Nations and its Member States.

Through its projects “Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime, Its Review Mechanism and Related Activities” and “Public-Private Partnerships: Fostering Engagement with the Private Sector on the Implementation of the United Nations Convention against Transnational Organized Crime and Its Trafficking in Persons Protocol,” CST has contributed towards building effective partnerships with CSOs, academia and the private sector with a view to their systematic and comprehensive participation in the implementation of the Organized Crime Convention and its supplementing Protocols, including the Review Mechanism.

To this end, CST held a Needs Assessment Workshop on 14 October 2019 to assess the current level of knowledge and capacity needs of non-governmental stakeholders.⁴ In conclusion of the Workshop several recommendations were developed to guide the way forward towards a more effective implementation of the Organized Crime Convention and its Protocols. These recommendations informed the content of this Toolkit.



MORE INFO

United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNTOC)

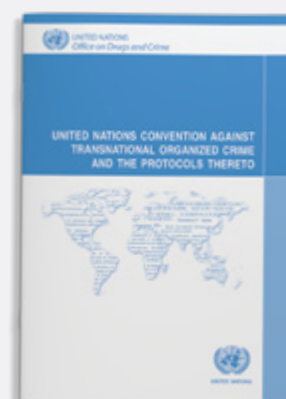
Adopted by the UN General Assembly:
15 November 2000, by resolution 55/25

Entry into force: 29 September 2003

Parties: 190 | **Signatories:** 147 (as of 15 June 2020)

Text of the Convention:

<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html#Fulltext>



Aims and purpose

Combating transnational organized crime requires cooperation at every point. Accordingly, this Toolkit is aimed at strengthening the capacity of non-governmental stakeholders, namely CSOs, academia and the private sector, to contribute to the implementation of the Organized Crime Convention and its supplementing Protocols. Ultimately, the Toolkit is expected to help non-governmental stakeholders develop strategies for response to transnational organized crime, including how they could best engage with their governments and build cross-cutting partnerships among themselves and with UNODC.

Altogether, this publication is built on the understanding that the Organized Crime Convention will only achieve the desired effect when all relevant stakeholders have the necessary capacities and are provided with relevant tools and entry points for input. Therefore, the Toolkit seeks to facilitate the sharing of knowledge and information among members of civil society, academia and the private sector who have a vested interest in preventing and combating transnational organized crime and have been working at different levels and with different means towards these goals. The Toolkit intends to provide guidance, showcase promising practices and recommend useful resources which may be of interest to these stakeholders.

Target audience

CSOs, including NGOs and community- and faith-based organizations, as well as other non-governmental stakeholders, such as private sector and academia constitute the primary audience for this publication. The Toolkit may also be utile to policymakers, prosecutors, and law enforcement who design counter-organized crime policies and enforce laws meant to disrupt organized crime, protect victims and, more broadly, help societies achieve the rule of law and who may wish to engage non-governmental stakeholders in their work.

Methodology

The Toolkit draws on expertise and experience collected from various sections of UNODC involved in programmes and initiatives in response to the crimes covered by the Organized Crime Convention and the Protocols thereto. The list of these crimes is not exclusive. Transnational organized crime may manifest itself in the form of trafficking in persons, smuggling of migrants and trafficking in firearms, which are explicitly mentioned in the three respective Protocols supplementing the Convention. There are also “emerging” or “re-emerging” crimes which may fall into the scope of the Organized Crime Convention. These are cybercrime, identity-related crimes, trafficking in cultural property, environmental crime, piracy, organ trafficking and trade in falsified medical products.⁵

In addition to the information gathered internally within UNODC, relevant non-governmental stakeholders were interviewed in order to collect information pertaining to their experiences in the implementation of the Organized Crime Convention and the Protocols thereto.

Navigating the Toolkit

This publication presents tools and identifies relevant entry points which may assist non-governmental stakeholders in their engagement in the implementation of the Organized Crime Convention and related

instruments. They are intended to help them conduct a comprehensive analysis of possible means and measures available to prevent and respond to transnational organized crime, some of which have been led by UNODC.

Each part of the Toolkit offers a detailed introduction to the key issues to be examined with references to the text of the Organized Crime Convention and its Protocols, as well as relevant resolutions, standards and norms. It contains practical guidance and model documents which are meant to provide additional information and insight. The Toolkit also includes case studies and examples of promising practices which were selected purposefully to illustrate the experiences of UNODC and non-governmental stakeholders. They should be used as a starting point for multi-stakeholder engagement and not as a comprehensive account of the amount of work that UNODC and its partners have done in this area. Most importantly, the Toolkit describes the tools and entry points which are expected to support non-governmental stakeholders in their engagement in the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism.

Throughout this Toolkit, the following icons are used to assist in the navigation of the document:



MORE INFO

This icon signifies sections with additional information.



CASE STUDY

This icon marks case study examples of the steps which have already been undertaken toward the implementation of the Organized Crime Convention and its supplementing Protocols.



RECOMMENDED RESOURCE

This icon indicates other resources where more information on a given topic or issue can be found.



TOOL

This icon introduces the tools available to non-governmental stakeholders to contribute to the implementation of the Organized Crime Convention and its Protocols, including their engagement in the Review Mechanism.



PRACTICAL INFO

This icon indicates detailed guidance and model documents which are meant to provide practical recommendations to non-governmental stakeholders as they plan to engage in the implementation of the Organized Crime Convention, its Protocols and the Review Mechanism.



ENTRY POINT

This icon is meant to draw the attention of non-governmental stakeholders to entry points where they can engage in the implementation of the Organized Crime Convention and its supplementing Protocols.

part

01

ACRONYMS

CSO
EU
GLO.ACT

Civil Society Organization
European Union
Global Action to Prevent and Address Trafficking
in Persons and the Smuggling of Migrants

IAFQ
IRM
MDG

Illicit Arms Flows Questionnaire
International Review Mechanism
Millennium Development Goal

SDG
UN
UNCAC
UNICEF
UNODC
UNTOC

Sustainable Development Goal
United Nations
United Nations Convention against Corruption
United Nations Children's Fund
United Nations Office on Drugs and Crime
United Nations Convention against Transnational
Organized Crime

TRANSNATIONAL ORGANIZED CRIME IN **THE 2030 UN AGENDA** FOR SUSTAINABLE DEVELOPMENT

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1.2. *UNODC and SDGs*

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1.1. SDGs and targets

The 2030 Agenda for Sustainable Development, with its 17 Sustainable Development Goals (SDGs) and 169 associated Targets, was agreed on 25 September 2015 as “a plan of action for people, the planet and for prosperity which pledges to leave no one behind.”⁶ Beyond the earlier focus on social and economic priorities encapsulated in the Millennium Development Goals (MDGs) (2000-2015),⁷ the SDGs embraced a much more comprehensive and all-encompassing approach, seeking to complete what was not achieved with the MDGs. The 2030 Agenda for Sustainable Development expressly affirms the importance of taking “bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path,” not least through “win-win” cooperation that can bring “huge gains to all countries and all parts of the world.”⁸

The SDGs are projected to stimulate multilateral action over the next 15 years in areas of critical importance for humanity and the planet. They draw together such goals as achieving peace, the rule of law, human rights, development and equality, to name a few, into a comprehensive, forward-looking and universal agenda relevant to all societies.

In September 2019, the UN Secretary-General António Guterres called on all sectors of society to mobilize for the so-called *Decade of Action* at three levels: first, *global action* to secure greater leadership, more resources and smarter solutions for the achievement of SDGs; second, *local action* towards the needed transitions in the policies, budgets, institutions and regulatory frameworks of governments, cities and local authorities; and third, *people action*, including civil society, the media, the private sector, labour unions, academia and other stakeholders that join forces for the achievement of SDGs.⁹

1.2. UNODC and SDGs

Through its work at global, regional and national levels, UNODC provides support to Member States in reaching their Targets under the various SDGs. Through building partnerships and enhancing cooperation with CSOs, among other stakeholders, UNODC facilitates the exchange of knowledge, data and best practices to enable wide-ranging discussions for the advancement of the 2030 Agenda for Sustainable Development.

Sustainable Development Goals and Targets related to the mandate of UNODC¹⁰



SDG 3, Target 3.3: Provide increased access to HIV prevention, treatment and care services among people who use drugs and prisoners.

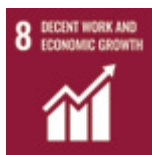
SDG 3, Target 3.5: Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.



SDG 5, Target 5.1: End all forms of discrimination against all women and girls everywhere.

SDG 5, 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.

SDG 5, Target 5.5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.



SDG 8, Target 8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

SDG 8, Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and organized crime 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.

SDG 8, Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.



SDG 10, Target 10.5: Improve the regulation and monitoring of interregional and global financial markets and institutions and strengthen the implementation of such regulations.

SDG 10, Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.



SDG 11, Target 11.4: Strengthen efforts to protect and safeguard the region's cultural and natural heritage.



SDG 15, Target 15.7: Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products.

SDG 15, Target 15.C: Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.



SDG 16, Target 16.1: Significantly reduce all forms of violence and related death rates everywhere.

SDG 16, Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.

SDG 16, Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

SDG 16, Target 16.4: Significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.

SDG 16, Target 16.5: Substantially reduce corruption and bribery in all their forms.

SDG 16, Target 16.6: Develop effective, accountable and transparent institutions at all levels.

SDG 16, Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

SDG 16, Target 16.8: Broaden and strengthen the participation of developing countries in the institutions of governance within the region.

SDG 16, Target 16.9: By 2030, provide legal identity for all, including birth registration.

SDG 16, Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

SDG 16, Target 16.A: 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.

SDG 16, Target 16.B: Promote and enforce non-discriminatory laws and policies for sustainable development.

As a global leader in the fight against illicit drugs and crime, UNODC substantially contributes to the achievement of SDG 16 that aims to promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. With a view to achieving the objectives of this SDG, UNODC provides Member States with administrative, analytical and operational assistance to enhance the efficiencies, fairness and transparency of their criminal justice institutions, especially those dealing with crime and corruption. UNODC keeps a database on Homicide Statistics and has published two Global Studies on Homicide to date—one in 2011 and one in 2013. UNODC's activities on the prevention and response to violence against women (referred to under SDG 5) and violence against children (Target 16.2) as well as the work on drug prevention and treatment (SDG 3) also contribute towards the attainment of Target 16.1.

In its work towards the achievement of Targets 16.2 and 16.3, UNODC helps countries to uncover the actual magnitude of trafficking in persons, including sexual and labour exploitation of children. Through its Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants (GLO.ACT), a joint initiative with the European Union (EU) that is implemented in partnership with the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF), UNODC provided comprehensive assistance to relevant governmental authorities, CSOs, victims of trafficking and smuggled migrants.

With the adoption of Target 16.4 of the SDGs, Member States committed themselves to significantly reduce illicit financial and arms flows by 2030. To this end, 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, disrupt illicit financial flows and support the recovery of stolen assets. To measure reduction of illicit firearms flows, UNODC developed the Illicit Arms Flows Questionnaire (IAFQ) which is a global data collection tool with a dual purpose—one of enabling the identification of transnational firearms trafficking flows, trends and patterns and the other of supporting the monitoring of SDG indicator 16.4.2.¹¹ The questionnaire has become a valuable tool assisting national authorities with the identification of challenges and best firearms data collection practices and fostering the exchange of information and operational use of firearms data.¹²

By committing to implement the United Nations Convention against Corruption (UNCAC), which is the only legally binding universal anti-corruption instrument to date, governments also pursue the key objective of Target 16.5. UNODC supports States Parties and Signatories in their implementation of UNCAC and gives guidance to civil society to design and implement anticorruption activities. The development of effective, accountable and transparent institutions at all levels as projected in Target 16.6 is another line of UNODC's efforts against corruption. To this end, UNODC supports initiatives that promote institutional ability and integrity to execute reforms to fight corruption at all levels and in all sectors.

As it comes to Target 16.7, UNODC has encourages and facilitates the participation of a wide range of CSOs, thus contributing to an inclusive, transparent and accountable decision-making process on crime- and drug-related matters at the international and regional levels. Examples of this work include UNCAC-focused multi-stakeholder workshops that empower and equip CSOs to partake in the Implementation Review Mechanism (IRM) of the Convention. Similar workshops are planned for the implementation of UNTOC.

1.2.1. SDG 17: Strengthening multi-stakeholder partnerships

UNODC is strongly committed to strengthening multi-stakeholder partnerships, bringing together governments, international partners, civil society, the private sector, academia and other relevant stakeholders as reflected in SDG 17. This Goal is dedicated to maintaining existing partnerships and exploring new ones. It plays an important role in promoting synergies for the achievement of the overall 2030 Agenda for Sustainable Development.¹³

UNODC is well positioned to convene multi-stakeholder alliances at international level and remains committed to reinforcing advocacy campaigns that raise awareness about and call on Member States to broaden and strengthen support for the tackling of the world’s most serious crime- and justice-related problems.

Multi-stakeholder partnerships in SDG 17: “Partnerships for the Goals”



SDG 17, 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.

SDG 17, Target 17.17: Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.



RECOMMENDED RESOURCE

UNODC and the 2030 Agenda for Sustainable Development

UNODC’s mandate spans the three pillars of the United Nations: peace and security, development and human rights. It is fully in line with the 2030 Agenda’s recognition that there cannot be peace without development, nor development without peace. The connections and interlinkages of the SDGs demonstrate the integrated nature of sustainable development and the collaborative effort that needs to be undertaken in order to achieve the 2030 Agenda for Sustainable Development.



SUSTAINABLE DEVELOPMENT GOALS



This publication demonstrates how UNODC is assisting Member States and other stakeholders to accomplish the SDGs through work from the Office's regional and country offices along with the headquarters stationed in Vienna, Austria. The stories featured in the document provide a snapshot into UNODC's programmes, projects and initiatives across the globe.

The publication is available at:

https://www.unodc.org/documents/SDGs/SDG_Brochure_FINAL_24-02-2020.pdf

part

24

ACRONYMS

CCPCJ Commission on Crime Prevention and Criminal Justice
COP-UNTOC Conference of the Parties to the United Nations Convention against Transnational Organized Crime
CSO Civil Society Organization
CSR Corporate Social Responsibility
ECOSOC Economic and Social Council
HEI Higher Education Institution

NGO Non Governmental Organization
PPP Public-private partnership
SDG Sustainable Development Goal
UN United Nations
UNCAC United Nations Convention against Corruption
UNODC United Nations Office on Drugs and Crime
UNTOC United Nations Convention against Transnational Organized Crime

KEY CONCEPTS

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2.1. Non-governmental stakeholder

For the purposes of this Toolkit, a *non-governmental stakeholder* is an individual or organization that is not directly affiliated with or directed by a government but has a vested interest in the work of UNODC in general and the implementation of the Organized Crime Convention and its Protocols in particular. The key non-governmental stakeholders to the Organized Crime Convention are CSOs, academia and the private sector.

Multi-stakeholder engagement support (MSES), as understood in this Toolkit, refers to a wide range of activities that UNODC employs to ensure participatory equity, accountability and transparency in the engagement of non-governmental stakeholders in the implementation of the Organized Crime Convention and the Protocols thereto. MSES facilitates confidence building and trust between non-governmental stakeholders, serving as a tool for establishing a meaningful dialogue and mutually beneficial partnerships. MSES promotes a greater sense of ownership over targeted outcomes and, consequently, strengthens the capacity of each individual stakeholder to achieve their goals.

2.2. Civil society organization

The term *civil society organization* (CSO) should be understood as an entity that works in a manner which is distinct from government, intergovernmental 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.¹⁴

CSOs is a generic term. A range of non-profit organizations can be understood as a CSO, including the following entities:

- International and national non-governmental organizations (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).¹⁵



MORE INFO

The United Nations Congress on Crime Prevention and Criminal Justice

The United Nations Congress on Crime Prevention and Criminal Justice is the world's largest and most diverse gathering of policy-makers, practitioners, academia, intergovernmental organizations and civil society in the field of crime prevention and criminal justice. It has been held every five years since 1955 in different parts of the world, dealing with a vast array of topics.

Since its origins, the Congress has provided a forum for: (a) the exchange of views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines; (b) the exchange of experiences in research, law and policy development; and (c) the identification of emerging trends and issues in crime prevention and criminal justice.

The Commission on Crime Prevention and Criminal Justice (CCPCJ) acts as preparatory and implementing body to the Congress. Declarations adopted by the Congresses are transmitted through the CCPCJ and ECOSOC to the United Nations General Assembly for endorsement.

The Congress typically has a formal and informal parts. The formal part takes place in the Plenary and in two Committees which occur in parallel with the Plenary. The informal part consists of a large number of so-called ancillary meetings which are open for participation to non-governmental stakeholders.

1955 – Geneva Congress

1960 – London Congress

1965 – Stockholm Congress

1970 – Kyoto Congress

1975 – Geneva Congress

1980 – Caracas Congress

1985 – Milan Congress

1990 – Havana Congress

1995 – Cairo Congress

2000 – Vienna Congress

2005 – Bangkok Congress

2010 – Salvador Congress

2015 – Doha Congress

2020 – Kyoto Congress¹⁷

CSOs play several important roles. In their *advisory* role, CSOs widely share their expertise on issues of public concern and in the interest of the public. They also provide *oversight*, holding governments accountable to their citizens. Finally, they also have a *service* function when they participate in the delivery of social services administered independently or on behalf of a government.

The term *non-governmental organization* (NGO) is interpreted more narrowly. An NGO refers to non-profit, voluntary groups of citizens organized at a local, national or international level. For the purpose of this Toolkit, NGOs should be understood to refer to the categories of organizations provided for in Rule 17 (“Participation of Non-governmental Organizations”) of the Rules of Procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (henceforth “Rules of Procedure for the COP-UNTOC”).

UNODC has long partnered with NGOs in policy development and in the implementation of its global, regional and national programmes and projects. NGOs can engage in UNODC’s activities by:

- Supporting the mandate of UNODC and the work of its two Governing Bodies—the Commission on Narcotic Drugs (CND) and the Commission on Crime Prevention and Criminal Justice (CCPCJ);
- Bringing grassroots experience and crucial information to the main events that concern civil society organizations at the Conference of the States Parties to UNCAC, the Conference of the Parties to UNTOC, as well as other events organized by UNODC, such as at the United Nations Congress on Crime Prevention and Criminal Justice; and
- Encouraging and facilitating dialogue between relevant stakeholders and UNODC.¹⁶

2.3. Academia

Academia should be understood as a community consisting of educators and learners which aims to foster creation, sharing and application of scientific knowledge. Academia is not only represented by universities and colleges, i.e., higher education institutions (HEIs), but it also comprises secondary and primary education institutions.

Members of the academic community are vital to the work of the United Nations because they possess scientific expertise and can inform the knowledge base of the Organization. UNODC encourages independent scientific research, knowledge production, problem-solving and—more broadly—the formation of societies inspired by scientific progress for the benefit of all.

Following the adoption of the Doha Declaration at the United Nations Crime Congress in Qatar in 2015 which reaffirmed the central role of education in criminal justice,¹⁸ UNODC has strengthened its efforts towards crime prevention and promotion of the rule of law through educational activities designed for primary, secondary and tertiary levels.¹⁹ It has supported a vibrant and diverse network of students, academics, scientists, researchers, think tanks, institutions of higher education, continuing education and educational associations, representing a global diversity of regions and a thematic wealth of disciplines.

2.4. Private sector

The *private sector* consists of companies and corporations owned by private individuals or groups. They are founded with the intention of making a profit.

Despite the fact that profit-oriented private interest is central to operations of businesses, the private sector may choose to embrace the ethical responsibility and contribute to societies or to reduce the negative impact of their operations. The idea of corporate social responsibility (CSR) has been widely promoted by international organizations in order to facilitate private sector self-regulation and its philanthropic and humanitarian input to societies. Article 31(2)(a) of the Organized Crime Convention emphasizes the importance of the “strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry.” In paragraph 2(b), it urges Member States to promote “the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions.”

Private-public partnerships (PPPs) have received a more prominent role in the 2030 Agenda for Sustainable Development. In fact, the inclusion of the private sector in the achievement of SDGs is key to their achievement. More specifically, the Agenda promotes the vision of the world in which all capital flows advance the achievement of SDGs.²⁰



part

03

ACRONYMS

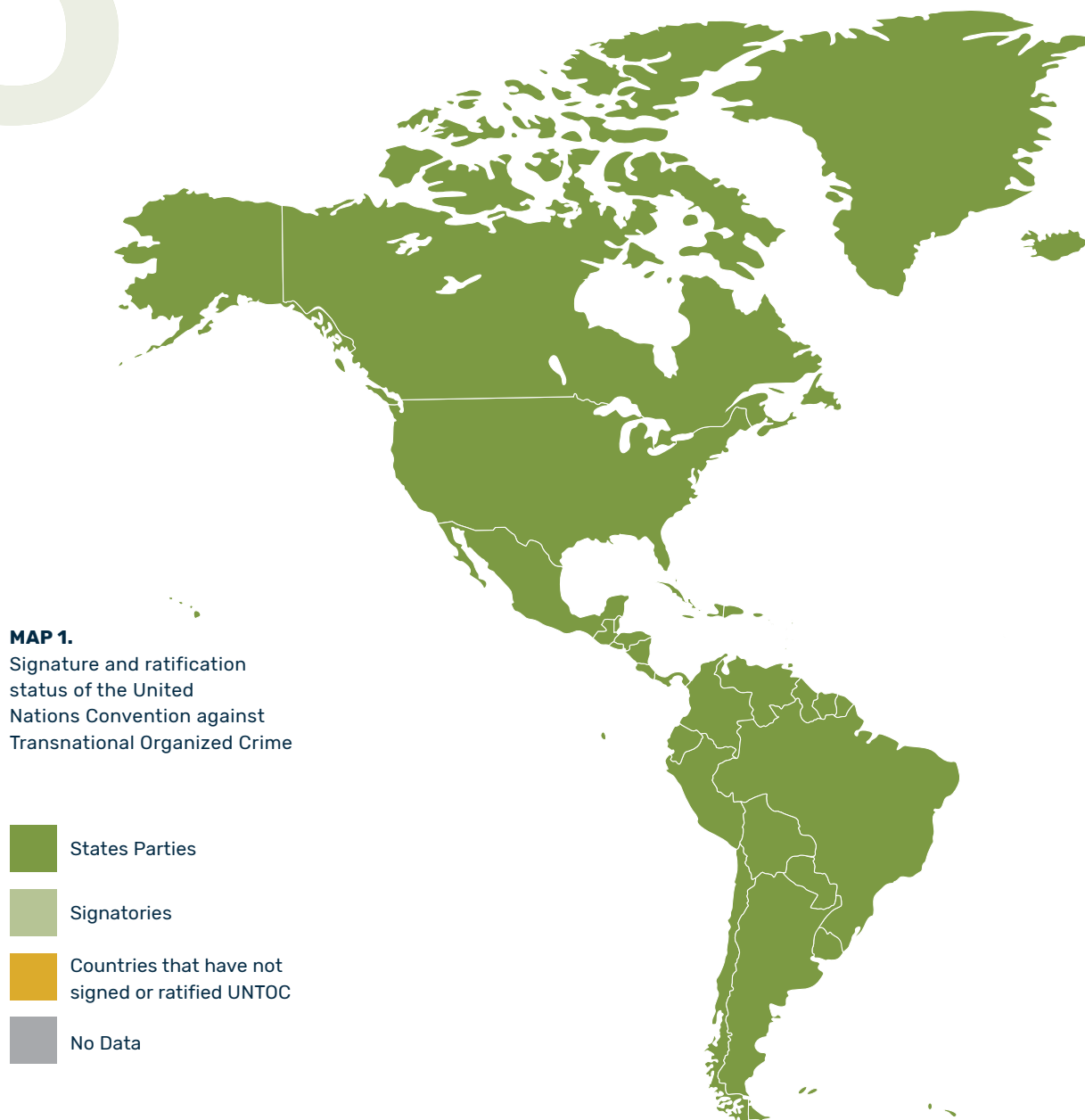
COP-UNTOC Conference of the Parties to the United Nations
Convention against Transnational Organized Crime
FIU Financial intelligence unit
FoMB Financial or other material benefit

MLA Mutual Legal Assistance
SIT Special investigative technique
UNTOC United Nations Convention against Transnational
Organized Crime

INTRODUCTION TO THE ORGANIZED CRIME CONVENTION

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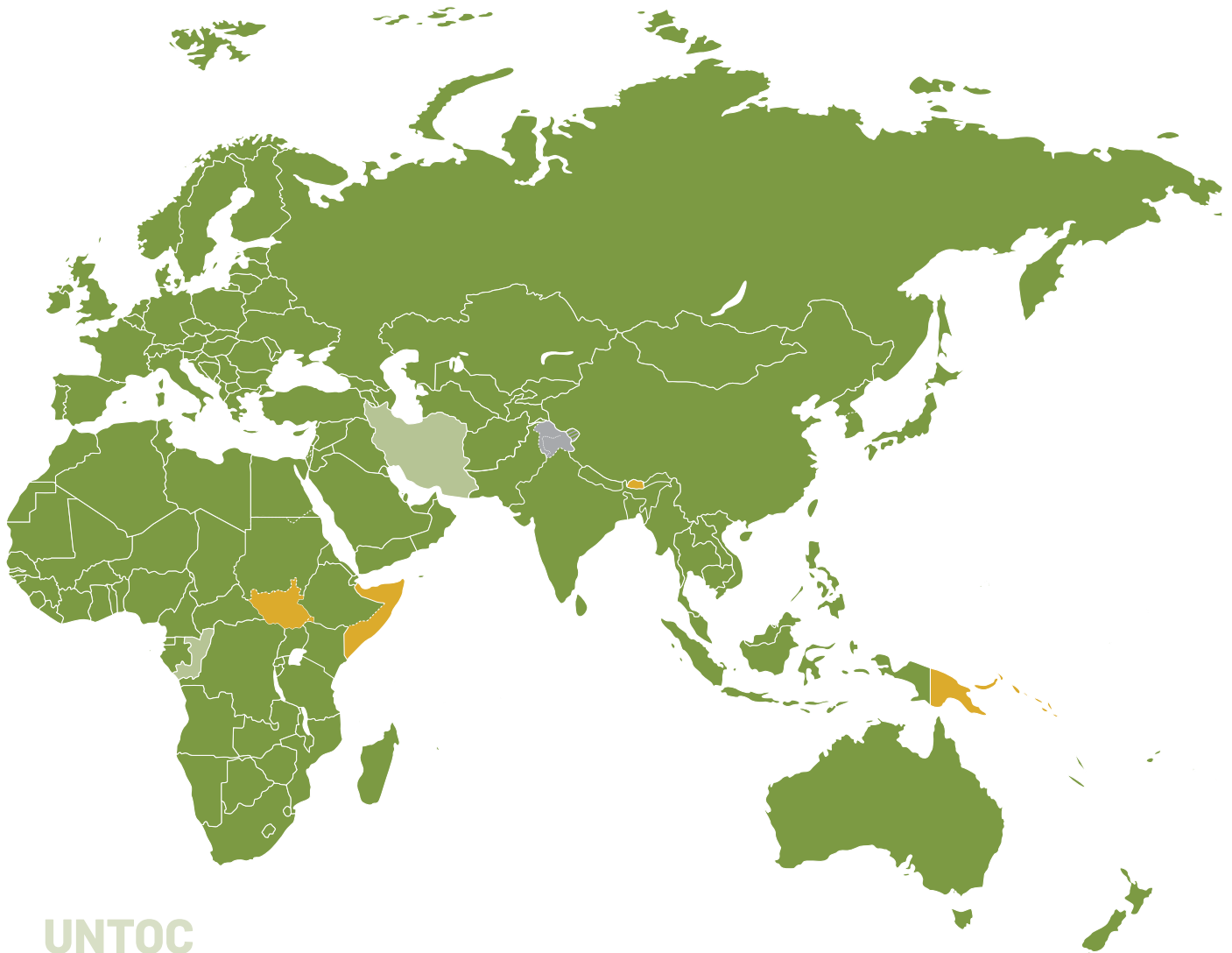
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3.1. Significance

The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000, and entered into force on 29 September 2003.

The Organized Crime Convention is supplemented by three Protocols²¹ which target specific areas and manifestations of organized crime:



UNTOC

Parties: 190; Signatories: 147 as of 1 June 2020

Note 1: The list of States Parties includes 185 United Nations Member States, the Cook Islands, the Holy See, Niue, the State of Palestine and the European Union.

Note 2: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (see Section 4.1. of the Toolkit);
- The Protocol against the Smuggling of Migrants by Land, Sea and Air (see Section 4.2. of the Toolkit); and
- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (see Section 4.3. of the Toolkit).

In the years following the adoption of the Organized Crime Convention, an increasing number of countries has become Parties to it. To date, the Organized Crime Convention is approaching universal adherence with its 190 States Parties (as of June 2020).²²

The Organized Crime Convention represents a major step forward in the fight against transnational organized crime. It reflects recognition by Member States of the severity of the problems caused by the activities of organized criminal groups and the need to promote and strengthen international cooperation to address them. States that ratify UNTOC commit themselves to taking a series of measures against transnational organized crime, including, inter alia, (a) the creation of domestic criminal offences (participation in an organized criminal group, money-laundering, corruption and obstruction of justice); (b) supporting extradition, mutual legal assistance and law enforcement cooperation; and (c) providing training and technical assistance to develop or improve the capacities required for national authorities.

3.2. Implementation

The Organized Crime Convention is legally binding, which means that the States that ratify it agree to be bound by its provisions and to take the necessary measures to ensure the implementation of their obligations under the Convention.

Importantly, although the Organized Crime Convention explicitly deals with transnational organized crime, the Convention requires each State Party to criminalize certain conduct even if there is no *transnational element*²³ or organized criminal group involved. Pursuant to article 34(2), the offences criminalized in accordance with articles 5, 6, 8 and 23 are to be established in the domestic law of each State Party independently of the transnational nature or the involvement of an organized criminal group being required elements of the offense (except with respect to the offense of participation in an

	CLUSTER ON CRIMINALIZATION AND JURISDICTION	CLUSTER ON PREVENTION, TECHNICAL ASSISTANCE, PROTECTION MEASURES AND OTHER MEASURES
ORGANIZED CRIME CONVENTION	<p>Art. 2. Use of terms</p> <p>Art. 5. Criminalization of participation in an organized criminal group</p> <p>Art. 6. Criminalization of the laundering of proceeds of crime</p> <p>Art. 8. Criminalization of corruption*</p> <p>Art. 9. Measures against corruption*</p> <p>Art. 10. Liability of legal persons</p> <p>Art. 15. Jurisdiction</p> <p>Art. 23. Criminalization of obstruction of justice</p>	<p>Art. 24. Protection of witnesses</p> <p>Art. 25. Assistance to and protection of victims</p> <p>Art. 29. Training and technical assistance</p> <p>Art. 30. Other measures: implementation of the Convention through economic development and technical assistance</p> <p>Art. 31. Prevention</p>

organized criminal group in article 5).²⁴ In other words, the criminalization must apply equally to domestic crimes and to transnational crimes carried out by an organized criminal group or an individual alone.

The implementation of the Organized Crime Convention may be carried out through new laws, existing laws or amendments of existing laws. Domestic offences that implement the terms of the Convention, whether based on pre-existing laws or newly established ones, will often correspond to offences under the Convention in name and the terms used, but this is not essential.

3.3. Clusters of articles for the purpose of the Review Mechanism

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.

CLUSTER ON LAW ENFORCEMENT AND THE JUDICIAL SYSTEM

Art. 7. Measures to combat money-laundering
Art. 11. Prosecution, adjudication and sanctions
Art. 19. Joint investigations
Art. 20. Special investigative techniques
Art. 22. Establishment of criminal record
Art. 26. Measures to enhance cooperation with law enforcement authorities
Art. 27. Law enforcement cooperation
Art. 28. Collection, exchange and analysis of information on the nature of organized crime

CLUSTER ON INTERNATIONAL COOPERATION, MUTUAL LEGAL ASSISTANCE AND CONFISCATION

Art. 12. Confiscation and seizure
Art. 13. International cooperation for purposes of confiscation
Art. 14. Disposal of confiscated proceeds of crime or property
Art. 16. Extradition
Art. 17. Transfer of sentenced persons
Art. 18. Mutual legal assistance
Art. 21. Transfer of criminal proceedings

* The review of these articles is only for those States Parties to the Organized Crime Convention that are not Party to the United Nations Convention against Corruption (UNCAC).

UNDERSTANDING THE LANGUAGE OF THE CONVENTION



“EACH STATE PARTY SHALL ADOPT”	Mandatory requirements (Obligation to take legislative or other measures)
“EACH STATE PARTY SHALL CONSIDER ADOPTING” OR “SHALL ENDEAVOUR TO”	Optional requirements (States Parties are urged to consider adopting a certain measure and to make a genuine effort to check its compatibility with domestic legal system)
“EACH STATE PARTY MAY ADOPT/ CONSIDER”	Optional requirements (Measures that States Parties may wish to consider)

3.3.1. Cluster of articles on criminalization and jurisdiction (art. 2, 5, 6, 8, 9, 10, 15 and 23)

Use of terms (art. 2)

The first issue that States had to face when drafting the Organized Crime Convention was the very definition of a *transnational organized crime*. It immediately became clear that attempting to provide a universal definition of this complex phenomenon would have been a futile exercise.²⁵ Organized criminal groups constantly adapt to the changes and shift their activities on the basis of a cost-benefit analysis of available illicit opportunities. Therefore, any attempt to draw up a list of all transnational organized criminal activities would have greatly limited the Convention’s potential reach. In article 2 (“Use of terms”) States preferred a flexible definition of organized crime that is predicated on four criteria (article 2(a)):

- A structured group of three or more persons;
- The group exists for a period of time;
- The group acts in concert with the aim of committing at least one serious crime;
- Its purpose is to obtain, directly or indirectly, a financial or other material benefit.

The reference to *financial or other material benefit* (FoMB) was intended to exclude groups with purely political or social motives. Yet FoMB was meant to ensure that more than pecuniary benefits can be captured. The interpretation of FoMB should not be limited to financial or monetary gains and may also include other material benefits.

The term *structured group* is to be used in a broad sense, so as to include groups with a hierarchical or other elaborate structure, as well as non-hierarchical groups in which the roles of the members of the group are not formally specified. Article 2(c) defines a “structured group” as “a group that is not randomly

formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.”

The concept of *serious crime* was discussed at length during the negotiation of the Convention. It was eventually agreed to include it and to define it as “the conduct constituting a criminal offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty” (art. 2(b)).

Criminalization of participation in an organized criminal group (art. 5)

Article 5 of the Organized Crime Convention requires States Parties to criminalize participation in an organized criminal group and reflects different legal traditions by including both the concept of “conspiracy,” typically found in common law systems, and “criminal association,” predominantly used in countries with civil law traditions. Criminalization of participation in an organized criminal group is designed to target the increased risks to public safety presented by organized criminal groups.

An offence based on the concept of *conspiracy* finds its basis in article 5, subparagraph 1(a)(i):

Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group.

The central elements of this provision are the agreement to commit a crime for the purpose of obtaining a financial or other material benefit.

An offence based on the concept of criminal association is included in article 5, subparagraph 1(a)(ii):

Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:

- A. Criminal activities of the organized criminal group;
- B. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim.

An offence based on article 5, subparagraph 1(a)(ii), adopts a model that attaches criminal liability to intentional contributions to organized criminal groups, not to the pursuit of a preconceived plan or agreement. Under this subparagraph, the accused must have either:

- A. Participated in the criminal activities of the organized criminal group with knowledge of its objectives and general criminal activity or of the group’s intention to commit crimes;
- B. Participated in other activities of the organized criminal group knowing that it will further the goals of the group and with knowledge of the group’s objectives and general criminal activity or of its intention to commit crimes.

Criminalization of the laundering of proceeds of crime (art. 6)

The Organized Crime Convention broadens the scope of application of the offence of money-laundering to cover all serious crimes and the offences covered by the Convention. Under article 6, States Parties are required to criminalize two types of conduct, when committed intentionally:

- A. Conversion or transfer of property, knowing that it is proceeds of crime and with the intention of disguising its origin or to help another person evade the legal consequences of their actions (art. 6(1)(a)(i));
- B. Concealment or disguise of the property, knowing that it is proceeds of crime (art. 6(1)(a)(ii)).

Article 6 also requires States Parties, subject to the basic concepts of their domestic legal system, to criminalize two further types of conduct, when committed intentionally:

- A. Acquisition, possession or use of property, knowing (at the time of receipt) that it is proceeds of crime (art. 6(1)(b)(i));
- B. Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of the laundering of the proceeds of crime (art. 6(1)(b)(ii)).

Criminalization of corruption (art. 8-9)

The provision on corruption in the Organized Crime Convention was the subject of considerable debate largely due to the fact that corruption is in itself a very broad and complex issue. Given that it is one of the ways organized criminal groups penetrate political, economic and social structures worldwide, thus making illegal activities less likely to be detected and disrupted, States Parties eventually agreed to include a provision on corruption in the Organize Crime Convention but with the understanding that the Convention would not address the matter in a comprehensive manner.²⁶

Article 8 (“Criminalization of corruption”) of the Organized Crime Convention requires States Parties to criminalize the giving or receipt of bribes by its domestic public officials (art. 8 (1)(a)(b)), along with participation as an accomplice in such offices (art. 8(3)), and to consider criminalizing such conduct when it involves a foreign public official or an international civil servant (art. 8 (2)).

Article 9 (“Measures against corruption”) contains some general requirements regarding anti-corruption mechanisms that States Parties must put in place in order to implement the Convention. For instance, it requires that States Parties take measures to ensure effective action by domestic authorities in the prevention, detection and punishment of corruption of public officials, including measures to enable domestic anti-corruption authorities to act independently.

Liability of legal persons (art. 10)

Organized crime is frequently committed through or under the cover of legal entities. Organized criminal groups have used corporations, businesses, charitable organizations or other legal persons to commit serious crimes. The Organized Crime Convention recognizes the indispensable role of legal persons in this

regard and requires that States Parties create criminal, civil or administrative liability, and accompanying sanctions, for legal persons that participate in serious crimes involving an organized criminal group or in the offenses covered by the Convention.

Jurisdiction (art. 15)

Transnational organized crime frequently impacts more than one State. Accused persons may be present in one jurisdiction, but their crime may have impacts on other jurisdictions. There is a need to reduce or eliminate jurisdictional gaps and ensure that no serious crime is ever left unpunished wherever it took place. In situations where a criminal group is involved in several States which may have authority over the group's actions, article 15 lays out the jurisdictional principles governing the Convention.

Article 15(1) of the Organized Crime Convention requires States Parties to assert jurisdiction over the offences established in accordance with the Convention when they are committed:

- In their territory ("territoriality principle");
- On board of a ship flying their flag ("flag principle");
- On board of an aircraft registered under their laws ("flag principle").

States Parties must also assume jurisdiction to prosecute offences covered by the Convention that occur outside of its territory and where the accused person is present in their territory and where they do not extradite such person on the ground that he or she is one of its nationals (art. 15(3)).

A State Party is permitted but not required under article 15(2) to establish jurisdiction over the four offenses of the Convention when committed against one of its nationals, or by one of its nationals or residents (art. 15(2)(a)). Permissive jurisdiction is likewise proposed over the offenses of participation in an organized criminal group or money laundering, as defined in the Convention, where they are committed outside a State's territory with a view to the commission of certain conduct within its territory (art. 15(2)(c)(d)). Article 15(3) further requires a State Party to establish jurisdiction when it refuses to extradite an offender for offenses covered by the Convention solely because the person is one of its nationals.

Finally, the Organized Crime Convention obliges States Parties to consult with other States Parties which are investigating or prosecuting the same offence with a view to coordinating their actions (art. 15(5)).

Criminalization of obstruction of justice (art. 23)

Organized criminal groups maintain or extend their income, power and influence by attempting to undermine justice mechanisms. Violence threats and intimidation are often used to obstruct the course of justice, such as by causing someone to provide or present false evidence, give false testimony or to prevent witnesses from coming forward in the first place.

Obstruction of justice is incorporated in the Organized Crime Convention to protect the integrity of systems of justice, particularly criminal justice processes. Article 23 requires that States Parties criminalize the

use of physical force, threats or intimidation, or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence. It also requires the criminalization of the use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official.

3.3.2. Cluster on prevention, technical assistance, protection measures and other measures (art. 24, 25, 29, 30 and 31)

Protection of witnesses and victims (art. 24-25)

Important to ensuring the successful investigation and prosecution of the offences covered by the Organized Crime Convention, including those committed in connection with organized criminal groups, is the ability to provide effective protection for witnesses as well as support and protection to victims.

The protection of witnesses is included in article 24 of the Convention. This provision is intended to protect witnesses in criminal cases from possible retaliation or intimidation, such as by providing them with physical protection (e.g., security or relocation) and requiring witnesses to testify in a way that ensures their safety (e.g., allowing witnesses to testify via video-conference at the trial; sealing records of the trial; using voice distortion or facial disguise).

Article 25 elaborates a series of measures to aid the victims of transnational organized crime. States Parties must take appropriate measures within their means: to assist and protect them, particularly in cases of threat of retaliation or intimidation (art. 25(1)); to provide them access to compensation and restitution (art. 25(2)); and, subject to domestic law and in a manner not prejudicial to the rights of the defence, to enable their views to be considered during criminal proceedings (art. 25(3)).

Training and technical assistance (art. 29)

In accordance with article 29, States Parties of the Organized Crime Convention have a positive obligation, to the extent necessary, to initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by the Convention.

States Parties shall also assist one another in planning and implementing research and training programmes designed to share expertise and, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern.

Other measures: implementation of the Convention through economic development and technical assistance (art. 30)

This article requires States Parties to participate in international cooperation and contribute to the strengthening of the capacity of developing countries and countries with economies in transition to

prevent and combat transnational organized crime. Such actions may include the provision of financial and material assistance (art. 30(b)) and the provision of technical assistance (art. 30(c)).

Prevention (art. 31)

Despite prevention being a prominent feature that cuts through the entire Organized Crime Convention, article 31 details some specific practical measures which States Parties can employ to deter transnational organized crime. The first of these measures imposes an obligation on the States Parties to prevent transnational organized crime through the development and evaluation of national projects, as well as by establishing and promoting best practices and policies (art. 31(1)). Among other measures urged are cooperation with private industry (art. 31(2)(a)), promotion of the development of professional standards and codes of conduct (art. 31(2)(b)), prevention of the misuse by organized criminal groups of public administration processes, including tender procedures and licensing for commercial activity (art. 31(2)(c)); and prevention of the misuse of legal persons by organized criminal groups (art. 31(2)(d)). Public awareness campaigns dedicated to the threats posed by transnational organized crime (art. 31(5)) and collaboration among States Parties and relevant regional and international organizations (art. 31(7)) are also recommended as preventive measures.

3.3.3. Cluster on law enforcement and judicial systems (art. 7, 11, 19, 20, 22, 26, 27 and 28)

Measures to combat money-laundering (art. 7)

The activities of organized criminal groups are directed at the accumulation of wealth through illegal means. In order to enjoy proceeds of crime, the illegal origin of such assets must be concealed. The Organized Crime Convention promotes intolerance for money-laundering. In article 7, requirements for domestic regulatory and supervisory policies for banks and non-bank financial institutions are set forth, along with guidance for cooperation and the exchange of information at the national and international levels to investigate suspected money-laundering activity.

Pursuant to article 7, States Parties must adopt and integrate into their financial infrastructure procedures to identify customers, keep effective records and report suspicious transactions to national authorities. States Parties must impose customer identification (“know your customer”) and suspicious transaction reporting requirements (art. 7(1)(a)). They must also ensure that specialized financial intelligence units (FIUs) are created to exchange information with foreign counterparts (art. 7(1)(b)).

Prosecution, adjudication and sanctions (art. 11)

Article 11 identifies a series of considerations for States Parties in pursuing prosecutions relating to offenses within the scope of the Organized Crime Convention. More specifically, it requires that States Parties: (a) ensure that offences covered by the Convention are subject to adequate sanctions that take the gravity of each offence into account (art. 11(1)); (b) endeavour to ensure that any discretionary powers relating to the

prosecution of accused persons are exercised to maximize the effectiveness of law enforcement measures and with due regard to the need to deter the commission of such offences (art. 11(2)); (c) take appropriate measures to ensure the presence of defendants at criminal proceedings (art. 11(3)); (d) ensure that its courts or other competent authorities bear in mind the grave nature of the offences covered by the Convention when considering early release or parole (art. 11(4)); (e) establish, where appropriate, long domestic statute of limitation periods for the commencement of proceedings for offences covered by the Convention, and a longer period where the alleged offender has evaded the administration of justice (art. 11(5)).

Joint investigations (art. 19)

The Organized Crime Convention emphasizes that international law enforcement cooperation between two or more States may prove more effective than efforts of a single State in the investigation of crime, especially in complex cases. Under article 19, States Parties are required to consider concluding bilateral or multilateral agreements or arrangements for the establishment of joint investigative bodies, while ensuring that the sovereignty of the State Party in whose territory a joint investigation is to take place is fully respected.

Special investigative techniques (art. 20)

Article 20 of the Organized Crime Convention endorses the use of special investigative techniques (SITs), such as controlled delivery, electronic surveillance and undercover operations. SITs are methods for gathering information that are applied by law enforcement officials for the purpose of detecting and investigating crimes and suspects without alerting the target persons. The techniques are especially useful when dealing with sophisticated organized criminal groups because of the dangers and difficulties inherent in gaining access to their operations and gathering information and evidence for use in prosecutions. Since SITs frequently require the cooperation and collaboration of multiple law enforcement agencies in different countries, international cooperation is essential to facilitate such operations. Use of these techniques at the international level is to be regulated by the States involved through general or case-specific agreements or arrangements.

Establishment of criminal record (art. 22)

Members of transnational organized criminal groups operate throughout the world and may commit offences in the jurisdictions of different States. The Organized Crime Convention urges States Parties to consider adopting measures enabling an offender's previous conviction in one State to be taken into consideration in another State Party's subsequent criminal proceeding relating to offences covered by the Convention.

Measures to enhance cooperation with law enforcement authorities (art. 26)

Article 26 provides for measures to encourage persons who have participated in an organized criminal group to cooperate with the authorities in investigations or prosecutions. Such persons may be called "collaborators of justice" or "informants." The measures include forms of leniency or immunity from prosecution and protection. The ability to provide effective protection to persons who are or have been members of an organized criminal group and who wish to cooperate with law enforcement authorities is

critical and can be enabled through witness protection programmes. Importantly, this article also envisages that States Parties consider arrangements with one another to apply inducements to informants located in one State who can assist an investigation of organized criminal activity in another State (art. 26(5)).

Law enforcement cooperation (art. 27)

Article 27(1) establishes the scope of the obligation of States Parties to cooperate with one another. The general obligation to cooperate is not absolute. Rather, it is to be conducted in a manner consistent with domestic legal and administrative systems. Subject to this general limitation, States Parties are to strengthen the channels of communication among their respective law enforcement authorities (art. 27(1)(a)); undertake specific forms of cooperation in order to obtain information about persons, the movements of proceeds and instrumentalities of crime (art. 27(1)(b)); provide to each other items or quantities of substances for purposes of analysis or other investigative purposes (art. 27(1)(c)); promote exchanges of personnel, including the posting of liaison officers (art. 27(1)(d)); exchange information on a variety of means and methods used by organized criminal groups (art. 27(1)(e)); and conduct other forms of cooperation for the purposes of facilitating early identification of offences (art. 27(1)(f)).

Collection, exchange and analysis of information on the nature of organized crime (art. 28)

The collection and exchange of information are essential to developing a sound, evidence-based policy on preventing and responding to transnational organized crime. Consolidated information on emerging trends in organized crime is indispensable for setting goals, allocating resources and evaluating results. Article 28 of the Organized Crime Convention recommends that States Parties, in consultation with their scientific and academic communities, collect data and examine the characteristics and trends in organized crime.



3.3.4. Cluster on international cooperation, mutual legal assistance and confiscation (art. 12, 13, 14, 16, 17, 18 and 21)

Confiscation and seizure of proceeds of crime (art. 12)

Criminalizing the activities from which significant illegal profits are generated does not always effectively punish or discourage criminal organizations. Even if they are arrested and convicted, in certain instances, criminals will be able to enjoy their illicit earnings. The Organized Crime Convention requires States Parties to take practical measures to keep offenders from financially profiting from their crimes through confiscation. Article 12 of the Convention requires States Parties to establish regulatory regimes that provide for the identification, freezing, seizure and confiscation of illicitly acquired assets. Effective frameworks for international cooperation are also required to allow countries to initiate foreign freezing and confiscation orders.

International cooperation for purposes of confiscation (art. 13)

Article 13 sets forth procedures for international cooperation in confiscation matters. These are important measures because criminals frequently seek to hide proceeds and instrumentalities of crime in more than one jurisdiction in order to hinder law enforcement efforts against them. A State Party that receives a request from another State Party is required, under article 13 of the Organized Crime Convention, to take measures to identify, trace and freeze or seize proceeds of crime for the purpose of confiscation. Such requests are to follow the general mutual assistance procedures specified in article 18 of the Convention.

Disposal of confiscated proceeds of crime or property (art. 14)

Article 14 addresses the final stage of the confiscation process—the disposal of confiscated assets. To the extent permitted by its domestic law, the requested State Party must consider returning confiscated proceeds to a requesting State Party for use as compensation to crime victims or restoration to legitimate owners (art. 14(2)). This article provides that a State Party may also consider concluding an agreement or arrangement whereby proceeds may be contributed to intergovernmental bodies, such as the United Nations, to fund technical assistance activities under the Convention or shared with other States Parties that have assisted in their confiscation (art. 14(3)(a)(b)).

Extradition (art. 16)

Extradition is a formal and, most frequently, treaty-based process leading to the return or delivery of fugitives to the jurisdiction in which they are wanted in relation to criminal activities. The extradition obligation of the Organized Crime Convention applies to persons sought for offences which are punishable under the domestic laws of both the requesting and the requested State Party (art. 16(1)). This dual criminality requirement will automatically be satisfied with respect to the offences established

in accordance with the Convention, since all States Parties are obliged to criminalize them. With respect to requests relating to offences that constitute serious crimes, there is no obligation to extradite unless the dual criminality requirement is fulfilled.

Transfer of sentenced persons (art. 17)

Article 17 is dedicated to the transfer of sentenced persons which is a specific form of international cooperation. Under this provision of the Organized Crime Convention, States Parties may consider entering into bilateral or multilateral agreements or arrangements to enable the transfer to their territory of incarcerated persons who have been convicted abroad for offenses covered by the Convention in order that they may complete their prison sentences in their countries of nationality.

Mutual legal assistance (art. 18)

Promoting consistent criminal justice responses at the national level helps to make international cooperation easier and faster. Multilateral and regional treaties serve this purpose. In the Organized Crime Convention, article 18 is devoted to mutual legal assistance (MLA), in which States Parties are obligated to afford each other the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to offenses within the scope of the Convention, provided that the State Party seeking assistance demonstrates that it has reasonable grounds to suspect that the offense is transnational in nature and involves an organized criminal group. These provisions apply in the absence of another treaty between the Parties concerned.

The article sets forth that States Parties may, albeit they are discouraged to, decline to render MLA on the ground of an absence of dual criminality (art. 18(9)). They may not, however, decline to render MLA on the ground of bank secrecy pursuant (art. 18(8)).

Article 18 establishes certain modern procedures for mutual assistance. For instance, it includes a requirement for States Parties to designate central authorities to handle requests and either execute them or transmit them to the competent authorities for execution (art. 18(13)).

Transfer of criminal proceedings (art. 21)

Under article 21, States Parties are required to consider transferring to one another the criminal proceedings for the prosecution of an offence covered by the Organized Crime Convention in cases where several jurisdictions are involved with different aspects of a pattern of transnational organized criminal conduct.

3.4. UNTOC and “emerging” crimes

At its 4th session held in October 2008, the COP-UNTOC deliberated on the issue of emerging forms of crime, such as cybercrime, trafficking in cultural property and environmental crime (e.g., trafficking in forest products, including timber and wildlife).²⁷ At the same session, the COP-UNTOC adopted its decision 4/2, entitled “Implementation of the Provisions on International Cooperation of the United Nations Convention against Transnational Organized Crime,” which stressed that the Organized Crime Convention as a global instrument with near-universal ratification could offer the broadest scope of cooperation to address not only existing but also emerging forms of transnational organized crime.²⁸

In 2010, at the COP-UNTOC 5th session, an expert consultation on the use of the Organized Crime Convention in combating emerging forms of crime was held. The outcome document of this meeting reiterated that the Organized Crime Convention applies to all “serious crime,” where the offence is transnational in nature and involves an organized criminal group. This interpretation “ensures that the scope of the Convention is wide enough to encompass traditional, emerging and future forms of crime and that international law enforcement and judicial cooperation efforts can be triggered in relevant investigations and prosecutions.”²⁹ The report of the COP-UNTOC of its 5th session identified cybercrime, trafficking in cultural property, environmental crime, piracy, organ trafficking, and fraudulent medicine as emerging crimes of concern and acknowledged the importance of developing adequate legislative and operational responses in order to prevent and combat “emerging” (and “re-emerging”)³⁰ forms of crime.³¹



RECOMMENDED RESOURCE

Legislative Guide for the United Nations Convention against Transnational Organized Crime and the Protocols thereto

The main purpose of this publication is to assist States seeking to ratify or implement the Organized Crime Convention and its Protocols. It lays out the basic requirements of the Convention and the



Protocols thereto, as well as the issues that each State Party must address, while furnishing a range of options and examples that national drafters may wish to consider as they try to implement the Convention and its Protocols.

The publication can be downloaded at:

<https://www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html>

part

4

ACRONYMS

COP-UNTOC Conference of the Parties to the United Nations
Convention against Transnational Organized Crime
FoMB Financial or other material benefit
ICAT Inter-Agency Coordination Group against
Trafficking in Persons

NGO Non Governmental Organization
UNODC United Nations Office on Drugs and Crime

THE PROTOCOLS TO THE ORGANIZED CRIME CONVENTION

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Introduction

The three Protocols supplementing the Organized Crime Convention target specific areas and manifestations of organized crime, namely trafficking in persons, smuggling of migrants and the illicit manufacturing and trafficking of firearms. The Protocols reflect the recognition of the fact that certain activities in which organized criminal groups engage require specific actions.

	CLUSTER ON CRIMINALIZATION AND JURISDICTION	CLUSTER ON PREVENTION, TECHNICAL ASSISTANCE, PROTECTION MEASURES AND OTHER MEASURES
TRAFFICKING IN PERSONS PROTOCOL	<p>Art. 3. Use of terms</p> <p>Art. 5. Criminalization</p>	<p>Art. 6. Assistance to and protection of victims of trafficking in persons</p> <p>Art. 7. Status of victims of trafficking in persons in receiving States</p> <p>Art. 9. Prevention of trafficking in persons</p>
SMUGGLING OF MIGRANTS PROTOCOL	<p>Art. 3. Use of terms</p> <p>Art. 5. Criminal liability of migrants</p> <p>Art. 6. Criminalization</p>	<p>Art. 8. Measures against the smuggling of migrants by sea</p> <p>Art. 9. Safeguard clauses</p> <p>Art. 14. Training and technical cooperation</p> <p>Art. 15. Other prevention measures</p> <p>Art. 16. Protection and assistance measures</p>
FIREARMS PROTOCOL	<p>Art. 3. Use of terms</p> <p>Art. 5. Criminalization</p> <p>Art. 8. Marking of firearms</p>	<p>Art. 7. Record-keeping</p> <p>Art. 9. Deactivation of firearms</p> <p>Art. 10. General requirements for export, import and transit licensing or authorization systems</p> <p>Art. 11. Security and preventive measures</p> <p>Art. 14. Training and technical assistance</p> <p>Art. 15. Brokers and brokering</p>

In this section, the three Protocols will be presented along the clusters of articles identified in the Procedures and Rules of the Review Mechanism.

It should be noted that the Organized Crime Convention and its Protocols are closely intertwined. Rather than explicitly referencing every provision in the Organized Crime Convention that is also applicable to the Protocols, the first article in each Protocol stipulates that all provisions of the Convention shall apply, “mutatis mutandis,” to the Protocols, unless otherwise provided. Therefore, the Protocols supplementing the Organized Crime Convention are to be interpreted together with it.

CLUSTER ON LAW ENFORCEMENT AND THE JUDICIAL SYSTEM

Art. 11. Border measures
Art. 12. Security and control of documents
Art. 13. Legitimacy and validity of documents

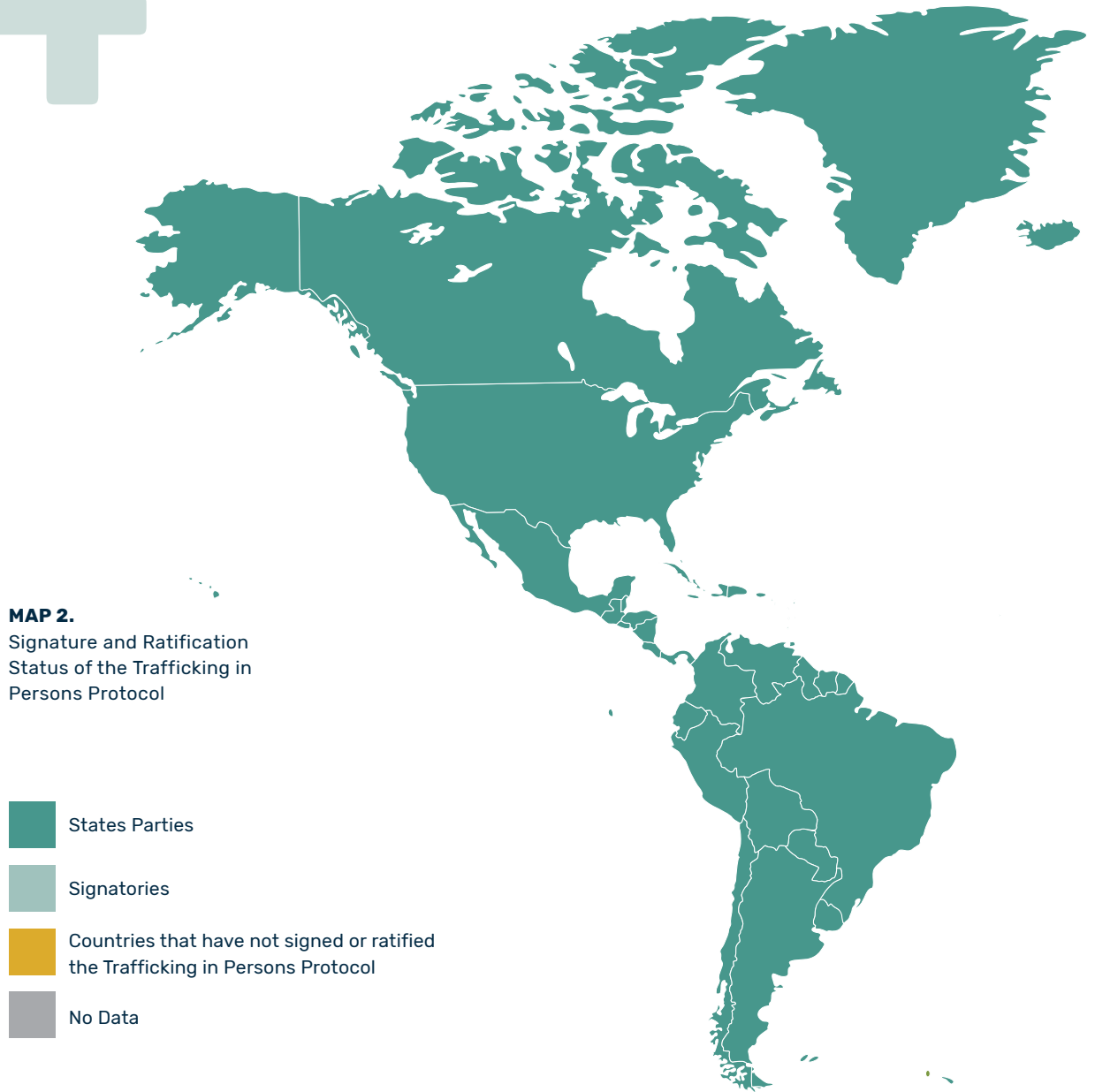
Art. 11. Border measures
Art. 12. Security and control of documents
Art. 13. Legitimacy and validity of documents

CLUSTER ON INTERNATIONAL COOPERATION, MUTUAL LEGAL ASSISTANCE AND CONFISCATION

Art. 8. Repatriation of victims of trafficking in persons
Art. 10. Information exchange and training

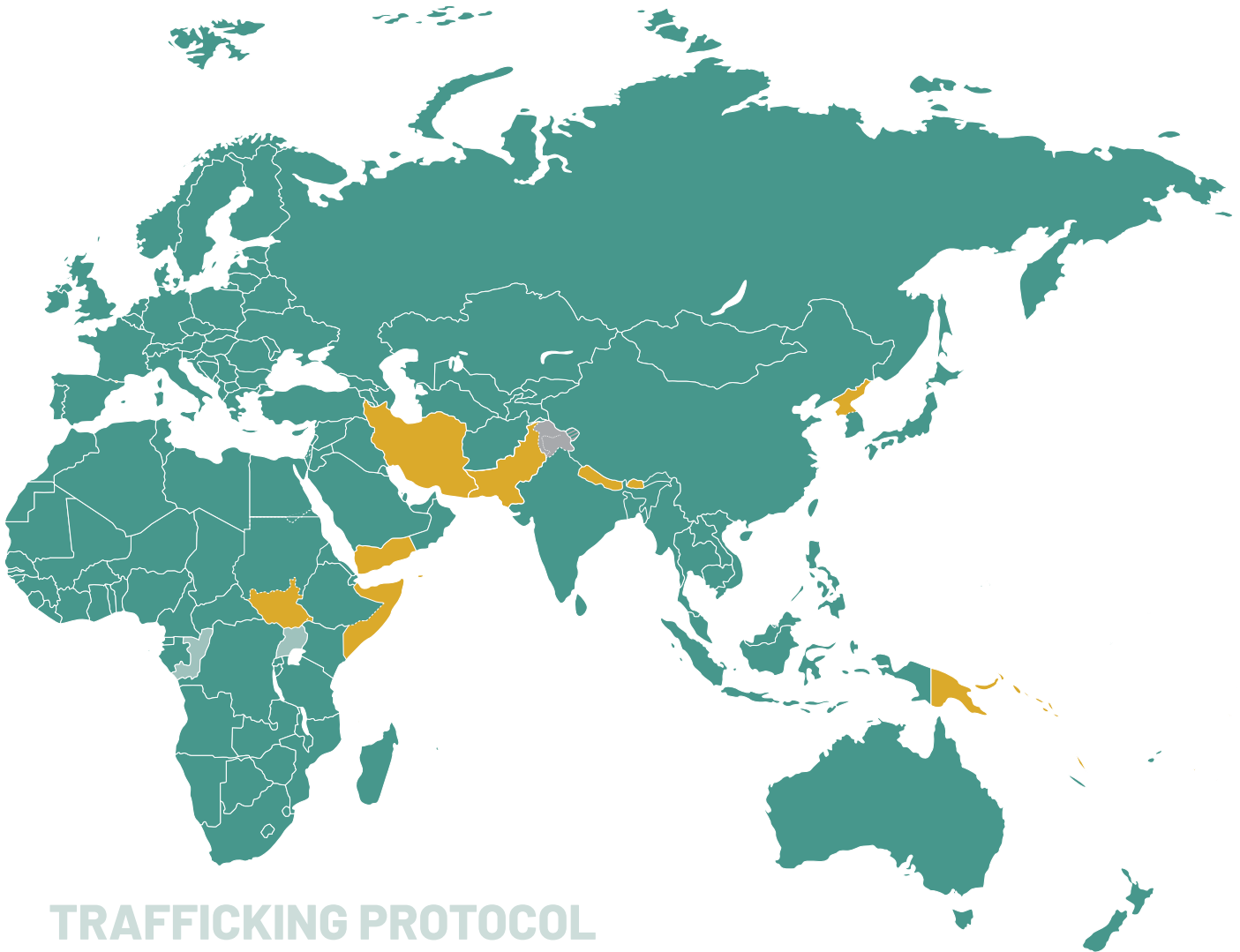
Art. 7. Cooperation
Art. 10. Information
Art. 18. Return of smuggled migrants

Art. 6. Confiscation, seizure and disposal
Art. 12. Information
Art. 13. Cooperation



4.1. *The Trafficking in Persons Protocol*

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, (henceforth “Trafficking in Persons Protocol”) was adopted by United Nations General Assembly resolution 55/25, in November 2000. It entered into force on 25 December 2003.



TRAFFICKING PROTOCOL

Parties: 176; Signatories: 117 as of 1 June 2020

Note 1: The list of States Parties includes 173 United Nations Member States, Niue, the State of Palestine and the European Union.

Note 2: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

The purposes of the Trafficking in Persons Protocol are to prevent and combat trafficking in persons, particularly women and children, to protect and assist the victims of trafficking and to promote cooperation among States Parties to meet these objectives (art. 2). It is the first global legally binding instrument with an agreed definition of trafficking in persons which has achieved a high ratification status of 176 States Parties to date.³²

4.1.1. Cluster on criminalization and jurisdiction (art. 3 and 5)

Use of terms (art. 3)

Article 3(a) provides the definition of “trafficking in persons” defined 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 the 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. Exploitation shall include, at a minimum, 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.

According to this definition, the crime of trafficking in persons has three constituent elements:

- The act (*what*): “recruitment, transportation, transfer, harbouring or receipt of persons”;
- The means (*how*): “threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim; and
- The purpose” (*why*): “for the purpose of exploitation”, which includes at a minimum “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services.”

Importantly, article 3(b) clarifies that, once any of the means set forth above has been used, the consent of the victim to the intended exploitation is irrelevant. With respect to children (i.e., persons under eighteen years of age), any of the conduct set forth in article 3(a), when committed for the purpose of exploitation, constitutes “trafficking” regardless of the means.

Criminalization (art. 5)

Article 5 requires that the conduct set out in article 3 be criminalized in domestic legislation. The definition of trafficking in persons in article 3 of the Trafficking in Persons Protocol provides the foundation for the enactment of a criminal offence(s) targeting such conduct, including attempting, participating as an accomplice and organizing or directing other persons to commit it. The definition promotes consistency in addressing this conduct, while also providing flexibility to States Parties to legislate in a manner that best accords with their national context.

4.1.2. Cluster on prevention, technical assistance, protection measures and other measures (art. 6, 7 and 9)

Assistance to and protection of victims of trafficking in persons (art. 6)

Article 6 requires States Parties to implement measures to provide for protection of the privacy and identity of victims by making legal proceedings confidential (art. 6(1)) and to offer assistance for victims’ physical, psychological and social recovery (art. 6(3)). Governments should (including in cooperation with NGOs

in appropriate cases) provide the following types of support: (a) medical; (b) psychological; (c) language and translation; (d) rehabilitation, skill training and education; and (e) shelter (art. 6(3)). Providing support to and protection of victims increases the likelihood that they will be willing to cooperate with and assist investigators and prosecutors. Such support and protection, however, should not be made conditional upon the victim's participation in legal proceedings.

The article also calls on each State Party to provide for the physical safety of victims while they are within its territory (art. 6(5)) and to ensure the possibility for the victim to obtain compensation for damages suffered (art. 6(6)).

Status of victims of trafficking in persons in receiving States (art. 7)

Embracing a human rights-based approach to victim protection and assistance that is not contingent on the citizenship and immigration status of trafficking victims is recommended in article 7. This article invites States Parties to adopt legislative or other appropriate measures that permit foreign victims of trafficking in persons to remain in the country—temporarily or permanently. For instance, special visas or residence permits may be instrumental in offering protection to victims and strengthening the ability of law enforcement agencies to investigate and prosecute their offenders.

Prevention of trafficking in persons (art. 9)

Article 9 directly addresses prevention of trafficking in persons. It requires States Parties to endeavour to undertake measures such as social and economic initiatives, research and media campaigns targeting potential victims. Policies, programmes and other measures taken must, as appropriate, include cooperation with non-governmental and other relevant organizations. Finally, States Parties are asked to take new or strengthen existing measures, including through bilateral and multilateral cooperation, to alleviate the factors—lack of equal opportunity and poverty—that make persons, especially women and children, vulnerable to trafficking.

4.1.3. Cluster on law enforcement and judicial system (art. 11, 12 and 13)

There is a number of measures included in the Trafficking in Persons Protocol that States Parties can take to make it more difficult for traffickers to move people across borders.

Under article 11 (“Border measures”) of the Trafficking in Persons Protocol, States Parties are required to strengthen to the extent possible, border controls to prevent and detect trafficking in persons, and, in addition to measures pursuant to article 27 of the Organized Crime Convention, to consider reinforcing cooperation between border control agencies, including by the establishment of direct channels of communication. Under article 12 (“Security and control of documents”), States Parties are required to ensure the integrity and security of their travel documents. Under article 13 (“Legitimacy and validity of documents”), States Parties are also required, at the request of another State Party, to “verify within a reasonable time” the legitimacy and validity of documents purported to have been issued by them.

4.1.4. Cluster on international cooperation, mutual legal assistance and confiscation (art. 8 and 10)

Repatriation of victims of trafficking in persons (art. 8)

Mandatory requirements prescribed by article 8 of the Trafficking in Persons Protocol include obligations for States Parties: (a) to facilitate and accept the return of victims who are their nationals or had the right of permanent residence in their territory at the time of entry into the receiving State, with due regard for their safety (art. 8(1)); (b) to verify, without reasonable delay whether trafficking victims are their nationals or had the right of permanent residence, when requested to do so by the receiving State, and (c) issue the necessary travel documents for their re-entry (art. 8(3)).

Paragraph 2 of this provision requires that any repatriation of victims must be with due regard for their safety. This requirement also applies to victims who have not served as witnesses in criminal proceedings and to countries of which the victims are nationals or permanent residents.

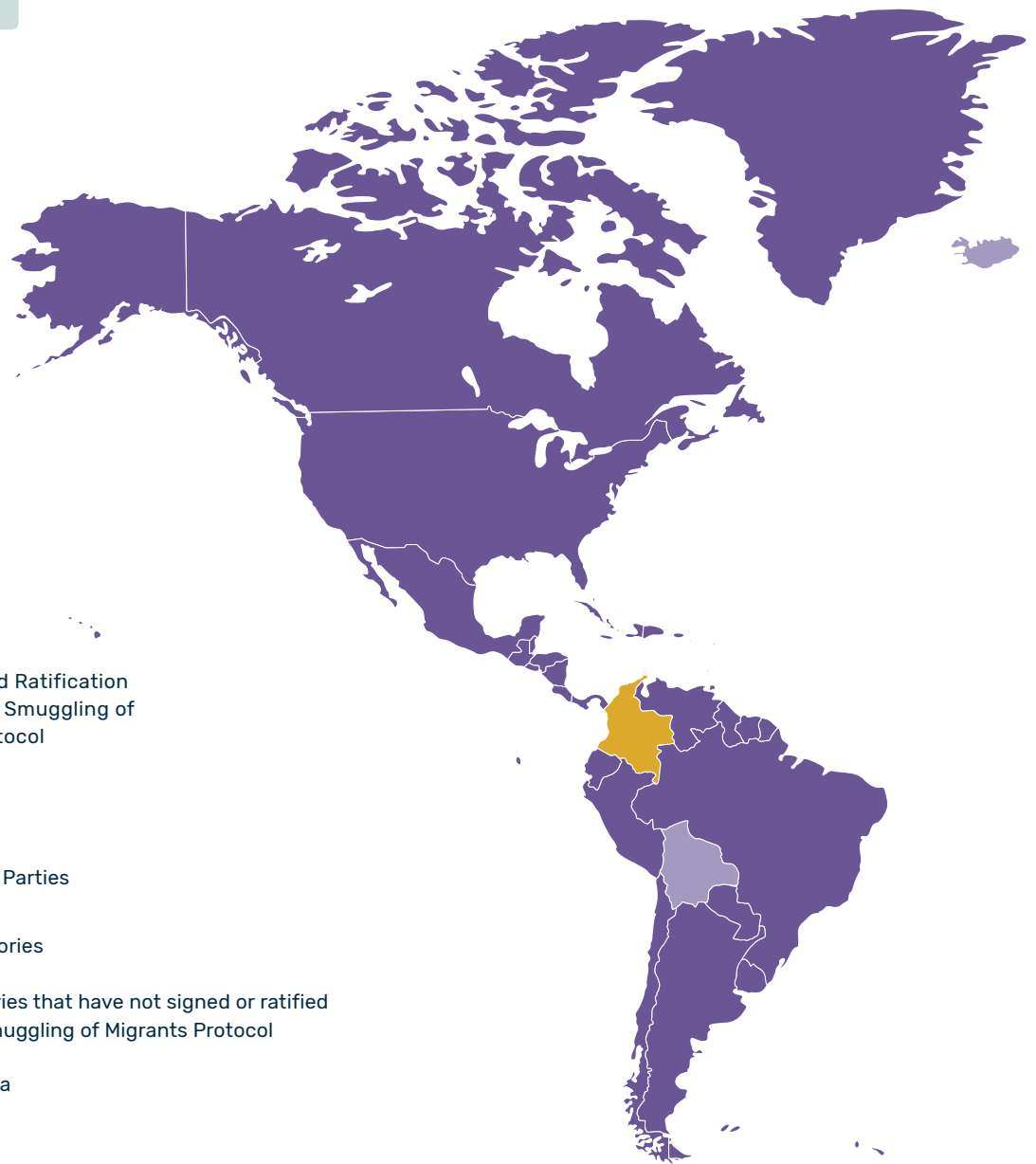
The Protocol also requires a State Party to whom one of its national or permanent residents is to be repatriated to issue any necessary travel or identity documents on request (art. 8(4)). This is primarily an administrative obligation but it may require legislation to ensure that appropriate officials or agencies are able and obliged to issue such documents when the conditions set out in article 8 are met.

Information exchange and training (art. 10)

Article 10(1) requires States Parties to exchange information, in accordance with their domestic law, in order to enable them to determine: (1) whether persons crossing international borders with suspicious or no travel documents are perpetrators or victims of trafficking; (2) the types of travel documents individuals used or attempted to use to cross an international border for the purpose of trafficking in persons; and (2) the means and methods used by organized criminal groups for the purpose of trafficking in persons, including, for example, means of recruitment and transportation of victims, and trafficking routes and links between and among individuals and groups engaged in such trafficking.

Article 10 further requires States Parties to provide training for relevant government officials in the prevention of trafficking in persons, and explains what that training should comprise. To this end, the training is recommended to focus on prevention of trafficking, prosecution of traffickers and protection the victims (art. 10(2)). Importantly, it calls on States Parties to cooperate with NGOs and other elements of civil society (art. 10(2)).



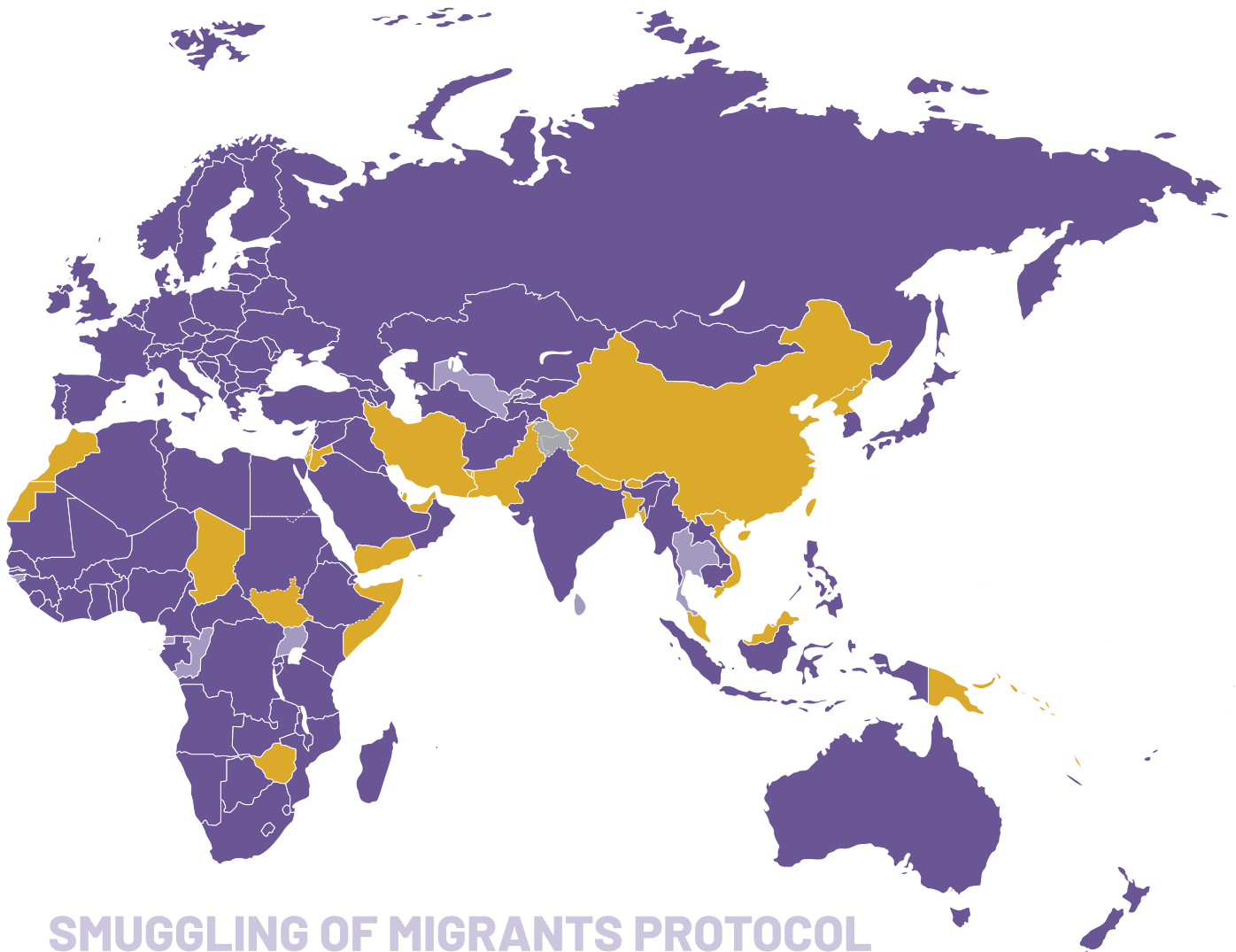


MAP 3.
Signature and Ratification
Status of the Smuggling of
Migrants Protocol

- States Parties
- Signatories
- Countries that have not signed or ratified the Smuggling of Migrants Protocol
- No Data

4.2. The Smuggling of Migrants Protocol

The Protocol against the Smuggling of Migrants by Land, Sea and Air (henceforth “Smuggling of Migrants Protocol”), adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups that smuggle migrants, often at high risk to the migrants and at great profit for the offenders.



SMUGGLING OF MIGRANTS PROTOCOL

Parties: 149; Signatories: 112 as of 1 June 2020

Note 1: Among the States Parties are the State of Palestine and the European Union.

Note 2: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

To date, 149 United Nations Member States are Parties to the Smuggling of Migrants Protocol.³³ A major achievement of the Protocol is that, for the first time in a global international instrument, a definition of smuggling of migrants is developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States Parties, while protecting the rights of smuggled migrants and preventing the worst forms of smuggling where the lives and safety of migrants are put at risk or where they are abused, mistreated or exploited (art. 2).

4.2.1. Cluster on criminalization and jurisdiction (art. 3, 5 and 6)

Use of terms (art. 3)

This article defines the four terms used in the Protocol, including the key term “smuggling of migrants” defined as “(...) the procurement, 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” (art.3 (a)). The wording that requires the purpose of the smuggling to be “financial or other material benefit” (FoMB) is taken from the definition of “organized criminal group” in the Organized Crime Convention and is not defined in the Smuggling of Migrants Protocol. The negotiating record elaborates that the inclusion of this specific wording was meant to emphasize that the Smuggling of Migrants Protocol did not cover the activities provided to smuggled migrants for humanitarian reasons or on the basis of family ties. The profit motive was viewed as an important way to link the definition to the activities of organized crime, though it applies equally to independent operators or two people who work together to smuggle others.

The term “illegal entry” is defined in article 3(b) of the Smuggling of Migrants Protocol to mean “crossing borders without complying with the necessary requirements for legal entry into the receiving State.” Common examples of “necessary requirements” include possession of authentic and valid identity documents (e.g., passport and visa) and presentation at a port of entry for inspection by a government official.

Criminal liability of migrants (art. 5) and criminalization (art. 6)

Article 6 requires States Parties to take measures to criminalize certain conduct, including migrant smuggling. In so doing, they are also required to ensure that their laws treat certain circumstances as aggravating, namely circumstances that: (a) endanger, or are likely to endanger, the lives or safety of the migrants concerned; or (b) entail inhuman or degrading treatment, including for exploitation, of such migrants (art. 5(3)(a,b)).

Pursuant to article 5 (“Criminal liability of migrants”), migrants must not be subject to criminal prosecution under the Protocol merely because they are the objects of conduct set forth in article 6.

The Smuggling of Migrants Protocol makes clear that a person cannot be charged with the crime of migrant smuggling for having been the object of migrant smuggling (i.e., a smuggled person). At the same time, it clarifies that States Parties are not prohibited from taking measures against a person whose conduct constitutes an offence under its domestic law, such as, for example, entering a country without complying with the necessary legal requirements for doing so.

4.2.2. Cluster on prevention, technical assistance, protection measures and other measures (art. 8, 9, 14, 15 and 16)

Measures against the smuggling of migrants by sea (art. 8)

From a criminal justice perspective, the challenge is to dismantle networks involved in the smuggling of migrants and address the conditions in which they can flourish, while protecting the rights of smuggled migrants. Due to safety and jurisdictions issues emerging from the specific context, the smuggling of migrants by sea receives dedicated attention in the Protocol.

Article 8 (“Measures against the smuggling of migrants by sea”) elaborates measures and procedures against the smuggling of migrants by sea. This article is based on long-standing international law principles of flag State jurisdiction on the high seas, universal jurisdiction over ships without nationality and the right of approach and visit. Its paragraph 1 provides that the flag State may take direct action against its own flag vessels, as well as stateless vessels, and may request the assistance of other States Parties to suppress the use of the vessel for the purpose of migrant smuggling by sea (art. 8(1)). In paragraph 2, the Protocol provides for the boarding and searching of foreign flag vessels, with flag State consent, based on reasonable grounds to suspect that the vessel is engaged in the smuggling of migrants. The flag State must be promptly notified of any action taken against one of its vessels (art. 8(3)) and must respond expeditiously to a request for confirmation of registry and request for authorization to take appropriate measures with regard to one of its vessels (art. 8(4)). Paragraph 5 of this article allows the flag State to subject its authorization with respect to the boarding, searching and taking of measures against one of its flag vessels, to conditions be agreed with the requesting State. The requesting State must not take any additional actions without the express authorization of the flag State, except those necessary to relieve imminent danger to the boarding party or to other persons on board, or as otherwise authorized by bilateral or multilateral agreements (art. 8(5)).

Safeguard clauses (art. 9)

The accompanying Safeguard Clauses in article 9 stress that the “safety and humane treatment of the persons on board” the vessel, as well as the “need not to endanger the security of the vessel or the cargo” are ensured by States Parties taking any measures against the said vessel. The application of the Law of the Sea in these circumstances is also confirmed. It is noted that any measures taken at sea pursuant to this chapter must be “carried out only by warships or military aircraft, or by other ships or aircraft clearly marked and identifiable as being on government service and authorised to that effect” (art. 9(4)).

Training and technical cooperation (art. 14) and other prevention measures (art. 15)

Article 14 (“Training and technical cooperation”) requires States Parties to cooperate with each other and with competent international organizations, NGOs, and other relevant organizations and other elements of civil society in order to provide adequate personnel training in their territories to prevent, combat and eradicate the conduct set forth in article 6 of this Protocol and to protect the rights of migrants who have been the object of such conduct.

Article 15 (“Other prevention measures”) accentuates the importance of measures taken by States Parties towards the strengthening of information programmes promoting public awareness about smuggling of migrants (art. 15(2)). It also calls on States Parties to support development programmes and cooperation at the national, regional and international levels, taking into consideration the socio-economic realities of migration, such as poverty and underdevelopment (art. 15(3)).

Protection and assistance measures (art. 16)

Although smuggled migrants are not identified as “victims” of the smuggling, they may be victims of other crimes, that either constitute aggravating circumstances to the smuggling or not. In fact, smuggled migrants are frequently victims of crime, including crimes of violence, during the smuggling journey. Accordingly, article 16 (“Protection and assistance measures”) of the Smuggling in Migrants Protocol acknowledges that smuggled migrants’ rights, in particular the right to life, and the right not to be subjected to torture or other cruel, inhuman or degrading treatment, are to be protected (art. 16(1)). It also obliges States Parties to take appropriate measures to protect smuggled migrants from violence (art. 16(2)) and to assist smuggled migrants whose lives or safety are endangered (art. 16(3)). It further requires States Parties to take into account the special needs of women and children in implementing this article (16(4)). These provisions make article 16 to be read in conjunction with article 19 (“Saving clause”) that refers to the principle of *non-refoulement*,³⁴ as well as to human rights, humanitarian and refugee law, and identifies specific rights that are particularly at risk in the smuggling process.

4.2.3. Cluster on law enforcement and judicial system (art. 11, 12 and 13)

Border measures (art. 11)

Article 11 (“Border measures”) calls on States Parties to strengthen border controls as necessary to prevent and detect the smuggling of migrants, without prejudice to international commitments to the free movement of people (art. 11(1)). It then sets forth particular measures that States should take in order to strengthen border controls. These include measures to prevent commercial carriers from being used in the commission of migrant smuggling offenses, thus acknowledging the role of the private sector (art. 11(2)); obliging commercial carriers to ascertain that passengers are in possession of required travel documents (art. 11(3)), providing for sanctions against carriers who do not comply with the requirement to check their passengers’ travel documents, and denying or revoking visas to persons involved in the commission of migrant smuggling crimes (art. 11(4-5)).

Security and control of documents (art. 12)

Under article 12 (“Security and control of documents”), States Parties are obliged to take measures, within available means, to ensure that their travel and identity documents are of such a quality that they cannot easily be misused (such as be falsified or unlawfully altered, replicated or issued), and to ensure the security and integrity of such documents so that they cannot be unlawfully created, issued or used.

Legitimacy and validity of documents (art. 13)

Article 13 (“Legitimacy and validity of documents”) seeks to reduce the risk of misuse and increase the probability of detection by requiring States parties to verify within a reasonable time whether a document purporting to have been issued by them is genuine and valid or not.

4.2.4. Cluster on international cooperation, mutual legal assistance and confiscation (art. 7, 10 and 18)

Cooperation (art. 7)

As smuggling of migrants is a transnational crime, international cooperation is an essential element to successfully preventing and combating it. As the smugglers of migrants form often closely meshed networks that transcend national and regional borders, so too must criminal justice responses be coordinated among States in order to be effective. It is hence essential that States Parties make full use of the provisions of the Organized Crime Convention and of the Smuggling of Migrants Protocol when addressing these concerns. To avoid repetition, the Smuggling of Migrants Protocol includes only those aspects of international cooperation and mutual legal assistance that are specific to the smuggling of migrants. Accordingly, article 7 of the Smuggling of Migrants Protocol specifically requires States Parties to cooperate to “the fullest extent possible to prevent and suppress migrant smuggling by sea in accordance with the international law of the sea.”

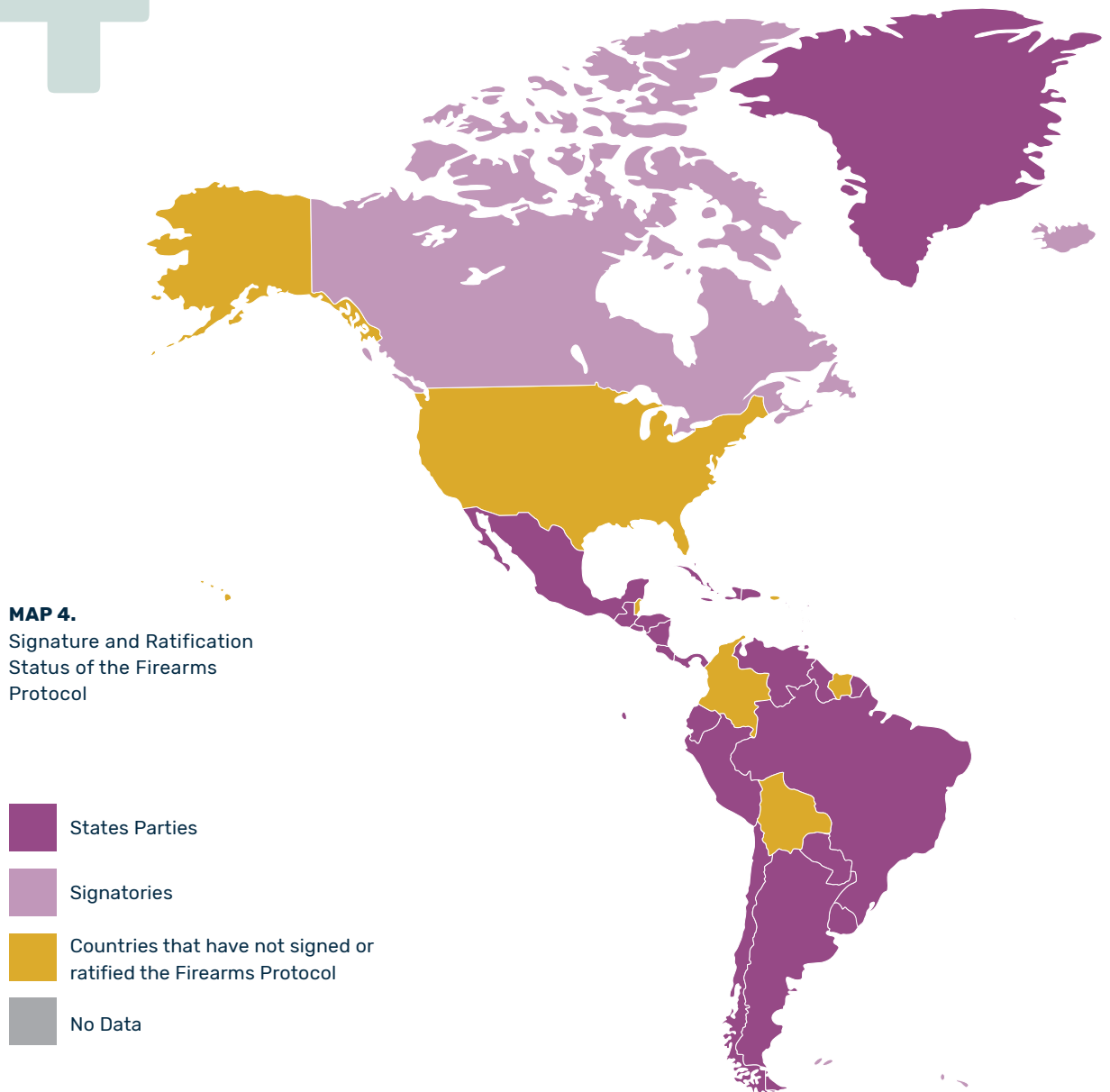
Information (art. 10)

The Smuggling of Migrants Protocol also calls upon States Parties to share information among themselves, consistent with their domestic legal and administrative systems, for the purpose of achieving the Protocol’s objectives. Relevant information called for includes information on such matters as embarkation and destination points, as well as routes and means of transportation used by smugglers, and the identify and organization of smuggling groups.

This information exchange is in addition to that called for in articles 27 (“Law enforcement cooperation”) and 28 (“Collection, exchange and analysis of information on the nature of organized crime”) of the Organized Crime Convention and is analogous to the provisions in article 10 of the Trafficking in Persons Protocol.

Return of smuggled migrants (art. 18)

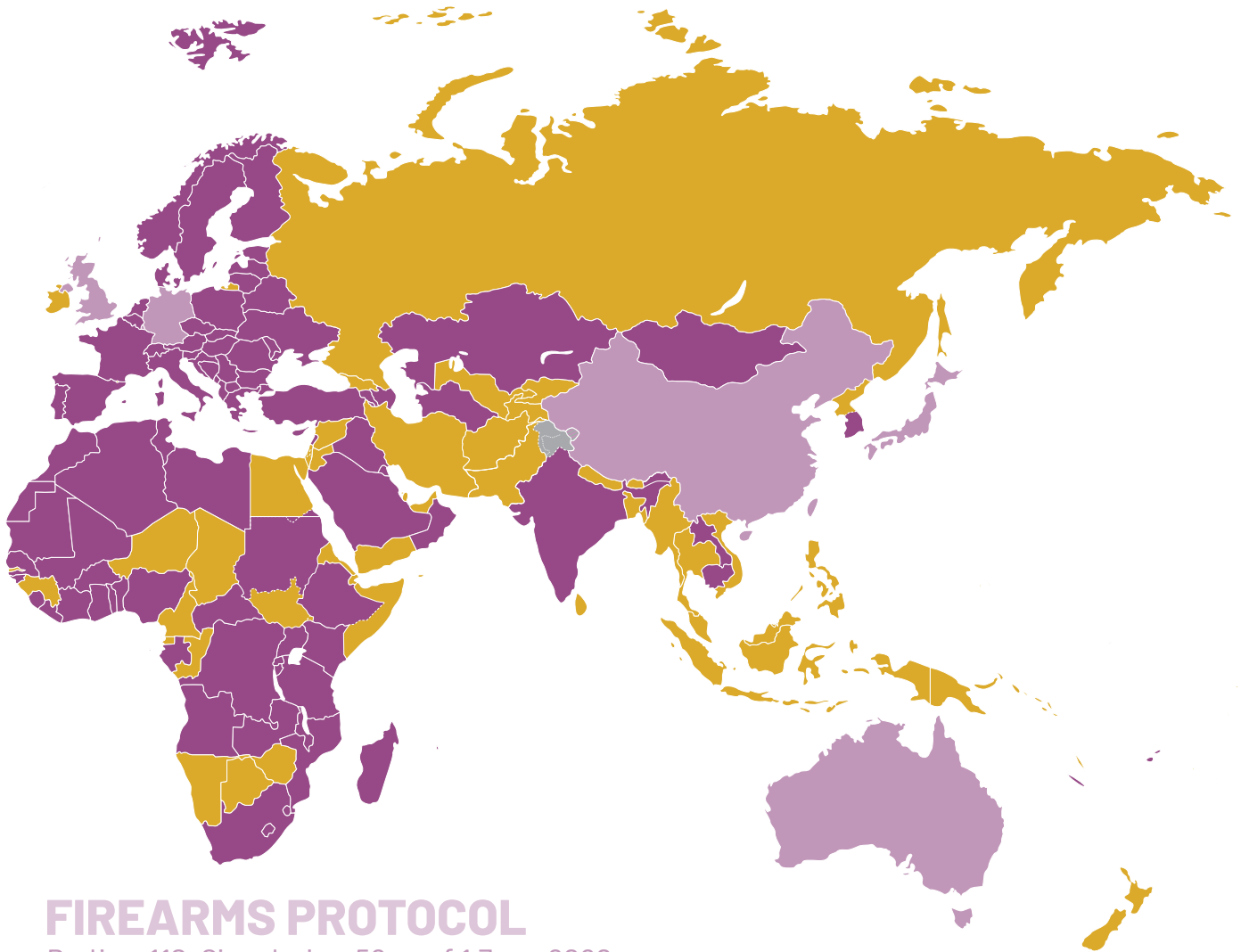
Article 18 requires that States Parties facilitate and accept the return of smuggled migrants who are their nationals or permanent residents at the time of return (art. 18(1)). States Parties must ensure that all processes or procedures with regard to return of smuggled migrants comply with international law and are implemented with due regard for the safety and dignity of the person (art. 18(5)).



4.3. The Firearms Protocol

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (henceforth “Firearms Protocol”) was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005 and has been ratified to date by 118 States Parties.³⁵

The objective of the Firearms Protocol, which is the first legally binding instrument on firearms that has been adopted at the global level, is to promote, facilitate and strengthen cooperation among States Parties to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their



FIREARMS PROTOCOL

Parties: 118; Signatories: 52 as of 1 June 2020

Note 1: The European Union is party to the Firearms Protocol.

Note 2: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

parts and components and ammunition (art. 2). By ratifying the Firearms Protocol, States Parties make a commitment to adopt a series of crime-control measures and implement in their domestic legal order three sets of normative provisions: the first one relates to the establishment of criminal offences related to illegal manufacturing of, and trafficking in firearms on the basis of the Protocol requirements and definitions; the second to a system of government authorizations or licensing intending to ensure legitimate manufacturing of, and trafficking in, firearms; and the third one to the marking and tracing of firearms.

All relevant COP-UNTOC resolutions, namely resolutions 5/4 (2010), 7/2 (2014), 8/3 (2016) and 9/2 (2018), acknowledge the valuable contribution of representatives from academia, the private sector and civil society in raising awareness and exchanging best practices regarding international cooperation in preventing and combating the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition. COP-UNTOC resolution 9/2 (2018) specifically highlights the valuable contribution made by the private sector and industry in providing relevant information to States Parties in the areas of manufacturing, marking and record-keeping, encouraging their further cooperation to assist States Parties in meeting their obligations under the Firearms Protocol.³⁶

4.3.1. Cluster on criminalization and jurisdiction (art. 3, 5 and 8)

Use of terms (art. 3)

In article 3 (“Use of terms”), the Firearms Protocol provides a legal definition of firearm that is based on its technical features: its portability (“any portable barrelled weapon”) and its functioning mechanism (barrelled weapons that expel, are designed to expel or can be readily converted to expel a shot (...) by the action of an explosive). The definition is technical and does not differentiate by categories or types of firearms, or by its legal users (for example, civilian or military arms), or by its intended use (for example, hunting, sport shooting, security or defence). As such, the definition is sufficiently large to apply to any type of firearm that fits the technical description contained in the definition, excluding antique firearms or their replicas (art. 3(a)). Article 3(b) also provides the definition of the parts and components, understood as “any element or replacement element specifically designed for a firearm and essential to its operation”. Additionally, article 3(c) of the Firearms Protocol refers to ammunition for firearms and defines them as “the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party.” Finally, article 3 also defines three key concepts, namely “illicit manufacturing,” “illicit trafficking” and “tracing.”

Criminalization (art. 5)

Article 5 (“Criminalization”) is the central provision of the Firearms Protocol. First paragraph of article 5 compels States Parties to criminalize, when committed intentionally, the following conducts:

- A. Illicit manufacturing of firearms, their parts and components and ammunition (art. 5(1)(a));
- B. Illicit trafficking in firearms, their parts and components and ammunition (art. 5(1)(b)); and
- C. Falsifying or illicitly obliterating, removing or altering the marking(s) (art. 5(1)(c)).

In addition, article 5 paragraph 2 requires each State Party to adopt legislative and other measures to criminalize: (a) any attempt to commit or the participation as an accomplice in an offence defined in paragraph 1; and (b) organizing, directing, aiding, abetting, facilitating or counselling the commission of

an offence in paragraph 1. By doing so, State Parties would strengthen their legislative capacities to more effectively preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Marking of firearms (art. 8)

In order to effectively identify and trace each firearm, article 8 (“Marking of firearms”) requires States Parties to mark them at the time of manufacture, importation and transfer from government stocks to civilian use, ensuring measures that prevent the removal or alteration of the markings.

4.3.2. Cluster on prevention, technical assistance, protection measures and other measures (art. 7, 9, 10, 11, 14 and 15)

Record-keeping (art. 7)

Article 7 (“Record-keeping”) of the Firearms Protocol requires States Parties to ensure the maintenance of information in relations to firearms, their parts and components and ammunition that is necessary to trace and identify those firearms. Information shall include the appropriate markings and, in cases of international transactions, the issuance and expiration dates of the licenses and authorisations, exporting and importing countries, transit countries, the final recipient, and description and quantity of the articles. Moreover, States shall keep this information for not less than ten years.

Deactivation of firearms (art. 9)

Article 9 (“Deactivation of firearms”) aims to prevent the illicit reactivation of deactivated firearms by requiring States Parties to take the necessary measures to ensure that: all essential parts of a deactivated firearms are to be rendered permanently inoperable and incapable of removal, replacement or modification (art. 9(a)); arrangements are made for deactivation measures to be verified by a competent authority (art. 9(b)); and the competent authority includes a certificate or record attesting to the deactivation or a visible mark is stamped on the firearm (art. 9(c)).

Licensing or authorization systems (art. 10)

Article 10 (“General requirements for export, import and transit licensing or authorization systems”) of the Firearms Protocol calls on States Parties to take measures to implement a comprehensive system to control the import, export and transit movement of firearms, their parts and components and ammunition. The system underscores the central principle underlying the Protocol that firearms and related items cannot be imported or exported without the awareness and consent of all States involved and that cases in which this is not complied with attract criminal investigation, prosecution and punishment.

Security and preventive measures (art. 11)

As one of the preventive measures, article 11 (“Security and preventive measures”) promotes the effort of the States Parties to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms. It requires States Parties to provide the security of firearms and increase the effectiveness of import, export and transit controls, including border controls, police and customs cooperation.

Brokers and brokering (art. 15)

Article 15 (“Brokers and brokering”) is intended to broaden controls to capture all activity in relation to the movement of firearms, their parts and components and ammunition. Since brokers often play a pivotal role in arranging shipments of firearms and related items, increasing the transparency associated with the involvement of brokers in such transactions can result in increased information to feed investigations and tracing efforts. As such, article 15 encourages States Parties to consider adopting measures to regulate brokering activities, such as requiring: (a) registration of brokers, (b) licensing or authorisation of brokering, or (c) disclosure on import and export licences or authorisations, documents, names and locations of brokers. Additionally, States Parties are encouraged to retain records of brokers and brokering, and exchange information on them when cooperating with other countries to assist in detecting and investigating illicit trafficking in firearms.

Training and technical assistance (art. 14)

With a view to enhance the abilities to prevent, combat and eradicate illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, article 14 (“Training and technical assistance”) requires States Parties to cooperate with each other and with relevant international organizations to receive, upon request, training and technical, financial and material assistance.



4.3.3. Cluster on international cooperation, mutual legal assistance and confiscation (art. 6, 12 and 13)

Confiscation, seizure and disposal (art. 6)

Article 6 (“Confiscation, seizure and disposal”) of the Protocol must be read and interpreted together with articles 12–14 of the Organized Crime Convention, which apply to the seizure, confiscation and disposal of property that is either proceeds of crime or used or destined for use in crime. This provision compels States Parties to adopt within their domestic legal systems the necessary measures, to the greatest extent possible, to enable confiscation of illicitly manufactured and/or trafficked firearms, their parts and components and ammunition.

Information sharing (art. 12)

Article 12 (“Information”) aims at promoting information exchange between countries. As such, article 12 paragraph 1 requires States Parties to exchange relevant case-specific information (such as producers, dealers, importers, exporters, etc.). Additionally, in accordance with article 12 paragraph 2, they shall also share information on other matters, including: (a) organized criminal groups, (b) means of concealment, and (c) methods, means, points of dispatch or routes for illicit trafficking in firearms. States Parties shall also exchange legislative experiences and practices, and measures to prevent, combat and eradicate illicit trafficking.

Finally, in order to ensure effective results in tracing of seized firearms, their parts and components and ammunition, States Parties shall also provide prompt responses to tracing requests (art. 12(4)).

Cooperation (art. 13)

According to paragraph 1 of article 13 (“Cooperation”), States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Further, to ensure effective cooperation, States Parties are required to identify a National Focal Point to act as liaison with other States on matters related to illicit manufacturing of or trafficking in firearms (art. 13(2)). Additionally, the Firearms Protocol also requires seeking the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms to more effectively prevent and detect illicit activities.

RECOMMENDED RESOURCES

THE PROTOCOLS TO THE ORGANIZED CRIME CONVENTION

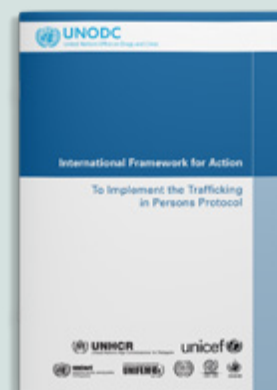


International Framework for Action to Implement the Trafficking in Persons Protocol (2009)

The Framework for Action is a technical assistance tool that aims to assist United Nations Member States in the effective implementation of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations Trafficking Protocol). The Framework for Action consists of a narrative part and a set of tables. The narrative describes key challenges in the implementation of the United Nations Trafficking Protocol and proposes general measures that can be taken in order to more effectively address these challenges. The set of tables details these measures further, through five pillars containing practical actions to support the implementation of the United Nations Trafficking Protocol.

The publication is available at:

https://www.unodc.org/documents/human-trafficking/Framework_for_Action_TIP.pdf

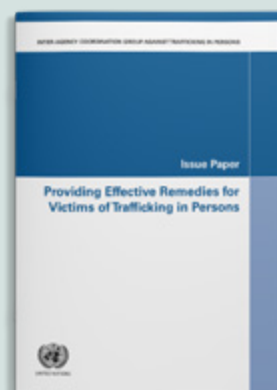


ICAT Issue Paper: Providing Effective Remedies for Victims of Trafficking in Persons (2016)

A solid international legal framework has been developed over the last decade, providing the basis for a common approach to remedies for victims of trafficking in persons and some sense of minimum standards. Yet fundamental flaws in practice continue to exist. Problematic are the numerous obstacles that practically prevent victims of trafficking from seeking remedy, including, but not limited to, gender-based discrimination, lack of knowledge of rights, lack of psychological support, and prosecution of victims for status-related offences.

This ICAT issue paper discusses access to remedies for trafficking victims and argues that they should be a core component of efforts to address human trafficking. It provides illustrative examples of effective remedies and limitations that currently exist in different jurisdictions.

The issue paper also looks at the role of civil society groups and how they have stepped forward to support victims of trafficking. It is argued that these stakeholders can pressure States to provide remedies, offer



training to the legal community and public officials about facilitating access to remedies, share information about available remedies and represent victims in compensation claims.

This publication is available at:

https://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf



International Framework for Action to Implement the Smuggling of Migrants Protocol (2012)

In light of the continued need for a comprehensive response to the smuggling of migrants, UNODC released its International Framework for Action to Implement the Smuggling of Migrants Protocol (2012).

The Framework for Action is a technical assistance tool that assists Member States to implement the Smuggling of Migrants Protocol. It clarifies the objectives of the Smuggling of Migrants Protocol and recommends operational measures that can be taken to achieve these objectives in practice.

The Framework for Action aims to support origin, transit and destination countries to identify gaps in their own action plans, strategies, policies and legislative and institutional frameworks with respect to migrant smuggling, and put in place appropriate measures to fill them.

Taking into consideration the wider issues at play in the phenomenon of migrant smuggling, a holistic approach is taken to promote coordination, cooperation and respect for the rights, obligations and responsibilities of States and individuals under international law, including human rights, humanitarian and refugee law.

Beyond supporting Member States' efforts in their implementation of the Smuggling of Migrants Protocol, the Framework for Action is expected to assist non-state stakeholders by guiding their work to prevent migrant smuggling, protect the rights of smuggled migrants and cooperate with Member States and other relevant stakeholders to those ends.

The publication is available at:

https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Framework_for_Action_Smuggling_of_Migrants.pdf



RECOMMENDED RESOURCES

THE PROTOCOLS TO THE ORGANIZED CRIME CONVENTION



Model Law Against Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition

The Model Law Against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition was developed in 2010 by UNODC in response to the request of the United Nations General Assembly to the Secretary-General to assist States Parties in the strengthening of their domestic legal framework in a manner consistent with the international legal regime on firearms.

The Model Law both facilitates and helps systematize provision of legislative assistance by UNODC, as well as facilitate review and amendment of existing legislation and adoption of new legislation by States themselves. It is designed to be adaptable to the needs of each State regardless of its legal tradition and social, economic, cultural and geographical conditions.

The publication is available at:

https://www.unodc.org/documents/firearms-protocol/14-08330_Firearms_revised_ebook.pdf



Technical Guide to the Implementation of the Firearms Protocol

The Technical Guide to the Implementation of the Firearms Protocol aims to be of assistance to policymakers, law enforcement officials and practitioners involved in arms transfers and investigations and to persons engaged in developing control measures in implementing the Firearms Protocol and criminalizing the illicit manufacture of and trade in firearms. It contains chapters on the control measures that States parties need to implement to prevent the diversion of firearms into the illicit market.

The aim of the guidelines is also to help States develop the capacity to respond proactively when diversion of firearms and ammunition occurs, to intervene in a timely and reliable manner and to detect possible points of diversion to illicit channels.

Further information at:

https://www.unodc.org/documents/firearms-protocol/Publications/10-56148_Ebook.pdf



05

part

ACRONYMS

CCP	Container Control Programme		
CCPCJ	Commission on Crime Prevention and Criminal Justice		
CMLS	Cybercrime and Anti-Money Laundering Section		
CNA	Competent National Authorities		
COP-UNTOC	Conference of the Parties to the United Nations Convention against Transnational Organized Crime		
CRIMJUST	Strengthening Criminal Investigation and Criminal Justice Cooperation along Drug Trafficking Routes		
CSS	Conference Support Section		
CST	Civil Society Team		
DTA	Division for Treaty Affairs		
ECOSOC	Economic and Social Council		
GLO.ACT	Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants		
GPTOC	Global Programme for Strengthening the Capacities of Member States to Prevent and		
			Combat (transnational) Organized and Serious Crimes
		HTMSS	Human Trafficking and Migrant Smuggling Section
		ICAT	Inter-Agency Coordination Group against Trafficking in Persons
		IGO	Intergovernmental Organization
		ISS	Implementation Support Section
		MLA	Mutual Legal Assistance
		NGO	Non Governmental Organization
		OCB	Organized Crime and Illicit Trafficking Branch
		SHERLOC	Sharing Electronic Resources and Laws on Crime
		UN	United Nations
		UNGA	United Nations General Assembly
		UNODC	United Nations Office on Drugs and Crime
		UNTOC	United Nations Convention against Transnational Organized Crime
		WCO	World Customs Organization

IMPLEMENTATION OF **THE ORGANIZED CRIME CONVENTION & THE PROTOCOLS THERETO**

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5.1. Conference of the Parties

Pursuant to article 32 of the Organized Crime Convention, a Conference of the Parties to the Convention (COP-UNTOC) was established to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of the Organized Crime Convention.

Article 32(3) of the Organized Crime Convention details the mechanisms that can be used by the COP-UNTOC to reach its objectives, such as by:

- Facilitating activities of States Parties for training and technical assistance, implementation of the Convention, and prevention, including by encouraging the mobilization of voluntary contributions;
- Facilitating the exchange of information among States Parties on patterns and trends in transnational organized crime and on successful practices for combating it; and
- Cooperating with relevant international and regional organizations, and non-governmental organizations;
- Reviewing periodically the implementation of the Convention;
- Making recommendations to improve the Convention and its implementation;

These functions make the COP-UNTOC the most comprehensive body dealing with transnational organized crime within the United Nations.

Regular sessions of the COP-UNTOC have been held in Vienna, Austria, annually in 2004, 2005 and 2006 and biannually after that. They generally conclude with such outcome documents as resolutions that address technical matters within the scope of the Organized Crime Convention and decisions that deal with procedural matters.

5.1.1. Working Groups

One of the most distinct features of the COP-UNTOC are the activities of its Working Groups which have been established to deal with specific issues relating to the Organized Crime Convention or its Protocols.

As consultative bodies that focus on specific thematic areas in line with the provisions of the Organized Crime Convention and its supplementing Protocols, Working Groups hold substantive discussions on practical issues and make recommendations that are submitted to the COP-UNTOC for further discussion and ultimate decision-making. They also assist in the implementation of the mandates with regard to the Organized Crime Convention itself and its Protocols. Following the adoption of the UNTOC Review Mechanism by Resolution 9/1 in October 2018, the COP-UNTOC Working Groups will also contribute to the review process of the Organized Crime Convention while also carrying out their respective existing mandates.

There are five permanent working groups in the COP-UNTOC:

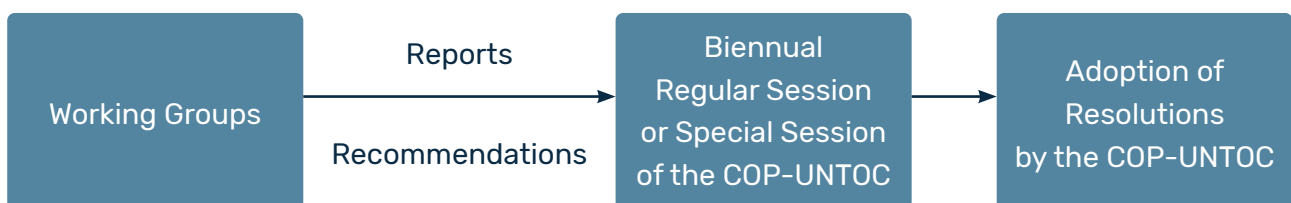
- Working Group on Trafficking in Persons;
- Working Group on the Smuggling of Migrants;
- Working Group on International Cooperation;
- Working Group of Government Experts on Technical Assistance; and
- Working Group on Firearms.

In addition to these permanent Working Groups, in its decision 5/5 (2011) the COP-UNTOC agreed to establish a temporary open-ended intergovernmental Working Group on the Review of the Implementation of the Organized Crime Convention and the Protocols thereto. It is tasked to consider and explore options for the establishment of a mechanism or mechanisms to assist the COP-UNTOC in the review of the implementation of the Convention.

Working Groups meet yearly and can convene concurrently with regular sessions of the COP-UNTOC, which usually take place in October.



THE STRUCTURE OF THE WORK OF THE COP-UNTOC



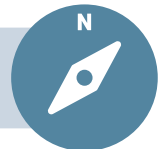
Conference of the Parties to the United Nations Convention against Transnational Organized Crime

5.1.2. Participation of non-governmental organizations

Rule 17 of the Rules of Procedure for the COP-UNTOC provides that relevant NGOs having consultative status with the United Nations Economic and Social Council (ECOSOC) may apply to the Bureau for observer status, which should be accorded unless otherwise decided by the COP-UNTOC.

CST and the Secretariat to UNTOC, namely UNODC's Organized Crime and Illicit Trafficking Branch (OCB), maintains a list of NGOs accredited with ECOSOC (i.e., have consultative status with ECOSOC) and other relevant NGOs whose area of competence is relevant to the work of the COP-UNTOC. The list is periodically updated and verified against the database maintained by CST for relevant NGOs and the NGO Branch, Office for ECOSOC Support and Coordination, Department of Economic and Social Affairs, which deals with the application by NGOs for consultative status to ECOSOC.

SIX SIMPLE STEPS TO OBTAIN CONSULTATIVE STATUS WITH ECOSOC



The steps included in the process of application and subsequent review and approval by ECOSOC are the following:

- 1 | *Creating a profile for organization;*
- 2 | *Submitting the online application which includes a questionnaire and supporting documentation;*
- 3 | *Initial screening of the application by the NGO Branch to ensure that it is complete;*
- 4 | *Review of the application by the ECOSOC Committee on NGOs at its session in January or at its resumed session in May every year;*
- 5 | *Recommendation by the ECOSOC Committee;*
- 6 | *Decision taken by ECOSOC on the application in April (for applications considered at the regular session) and July (for applications considered at the resumed session) every year.*

Further information at: http://csonet.org/content/documents/ECOSOC%20Brochure_2018_Web.pdf



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.³⁷

See more information in *Rules of Procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime* available at:

https://www.unodc.org/pdf/ctoccop_2006/05-85142_ebook-E.pdf

Basic facts about consultative status of NGOs with ECOSOC

- From the beginning of the United Nations, ECOSOC has been the main entry point into the UN system for NGOs. ECOSOC remains the main United Nations body with a formal framework for NGO participation.
- As of 1 September 2018, 5,161 NGOs enjoy active consultative status with ECOSOC.
- Consultative status provides NGOs with access to not only ECOSOC but also to its many subsidiary bodies, to the various human rights mechanisms of the United Nations, ad-hoc processes on small arms, as well as special events organized by the President of the General Assembly.

NGOs without consultative status with ECOSOC may also apply for observer status. Paragraph 3 of Rule 17 defines the format of participation of NGOs in the proceedings of the COP-UNTOC.

While NGOs can observe the sessions of the COP-UNTOC, they cannot take part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, a matter which, in line with the Rules of Procedure for the COP-UNTOC, is a prerogative of the States Parties to the Convention.

In line with rule 17 (3)(a) of the Rules of Procedure for the COP-UNTOC, NGOs may “attend plenary meetings of the Conference,” which, in the view of the Conference, did not include the meetings of its subsidiary bodies, namely its Working Groups. Instead, NGOs are allowed to hold special and side events. These can be meetings, presentations or panel discussions on topics that are relevant to the work of the COP-UNTOC held outside the formal proceedings of the Conference.

MORE INFO



Useful information about side events at sessions of the COP-UNTOC

- Events may be organized by Member States, UNODC units, UN entities, IGOs and NGOs in consultative status with ECOSOC;
- Topics of side events must be thematically relevant to the work of the Conference. The Secretariat will endeavour to ensure that the topics of side events scheduled for the same day do not overlap, in order to avoid splitting participation;
- The Conference Support Section (CSS) of the Organized Crime and Illicit Trafficking Branch (OCB) is responsible for the coordination of side events;
- There is an application process for NGOs. All eligible NGOs need to apply for participation in advance by submitting application to CSS at untoc.cop@un.org;
- All promotional material must be cleared by the Secretary of the Conference prior to its distribution.



RECOMMENDED RESOURCE

Working with ECOSOC: an NGOs Guide to Consultative Status (2018)

Is an informational booklet that briefs NGOs on the benefits of establishing a consultative relationship with ECOSOC, as well as to provide instructions on how to obtain this status within the framework provided by ECOSOC resolution 1996/31. The dual objective of this publication is to encourage relevant NGOs to apply for consultative status with the Council, as well as to help organizations already in consultative status to get the most of this relationship while increasing their contribution to the work of ECOSOC.



CASE STUDY 1

Side event:

Civil society engagement in addressing violent extremism and illicit firearms trafficking

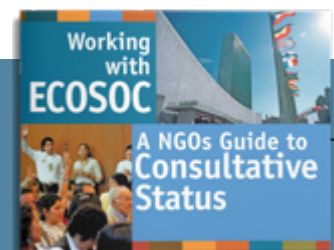
On 17 October 2018, during the 9th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (COP-UNTOC), the Global Firearms Programme, UNODC Civil Society Team (CST) and the Government of Sweden organized a side event to discuss responses on behalf of governments, UNODC and civil society to violent extremism and illicit firearms trafficking.

The main objective of this event was to demonstrate a multi-sectoral approach to countering the illicit trafficking in firearms, their parts and components and ammunition, as well as violent extremism through building trust and partnerships between governments, law enforcement and civil society via the establishment of regional networks. The event was a unique opportunity for Member States, the United Nations and civil society to exchange multi-societal approaches to tackling violent extremism and the illicit trafficking in firearms.

Further information at:

<https://www.unodc.org/unodc/en/ngos/civil-society-engagement-in-addressing-violent-extremism-and-illicit-firearms-trafficking.html>

The booklet provides basic information about the way in which NGOs can interact with the United Nations in general and with ECOSOC in particular. It describes the different formal and informal mechanisms that civil society can utilize in order to work with the different ECOSOC Commissions (i.e., attendance to meetings, submission of statements, side-events, oral interventions, etc.) as well as the obligations that NGOs assume by entering in this consultative relationship.



Download the guide at: <http://csonet.org/index.php?menu=134>

5.2. UNODC substantive offices

The Organized Crime and Illicit Trafficking Branch (OCB), under the Division for Treaty Affairs (DTA), is one of UNODC's substantive offices. The OCB supports States in their efforts to ratify and effectively implement the Organized Crime Convention and its Protocols by:

- Acting as Secretariat to the COP-UNTOC;
- Delivering technical assistance and developing legislative tools and avenues for international cooperation; and
- Supporting the implementation of the UNTOC Review Mechanism, including facilitating the conduct of the country reviews and providing technical and substantive support throughout the review process.

Within OCB, four sections work to assist Member States in realizing their obligations under the Organized Crime Convention and the Protocols thereto. These sections are:

- Conference Support Section (CSS);
- Implementation Support Section (ISS);
- Human Trafficking and Migrant Smuggling Section (HTMSS); and
- Cybercrime and Anti-Money Laundering Section (CMLS).

5.2.1. Conference Support Section

In order to facilitate the implementation of the Organized Crime Convention and its Protocols, CSS provides services to the COP-UNTOC and its Working Groups. More specifically, it takes the primary responsibility for OCB's normative work, such as providing legislative assistance in the ratification and implementation of the Organized Crime Convention, including the Review Mechanism. It also supports international cooperation mechanisms for, inter alia, mutual legal assistance and extradition and serves as a knowledge management source on the Organized Crime Convention.³⁸



RECOMMENDED RESOURCE

Implementation of the United Nations Convention against Transnational Organized Crime: Needs Assessment Tools (2016)

This publication on the Needs Assessment Tools as per UNTOC provides guidance in assessing what should be done by States parties in order to ensure that the full potential of the Organized Crime Convention can be realized. The tools are to be used in the delivery of technical assistance, in particular

The Section manages the Sharing Electronic Resources and Laws against Crime (SHERLOC) Portal which facilitates the dissemination of information regarding the implementation of the Organized Crime Convention and its three Protocols. SHERLOC contains a database of national legislation relevant to the requirements of the Organized Crime Convention. The database is searchable by country, UNTOC article and crime type. SHERLOC also hosts a case law database which contains jurisprudence on corruption, counterfeiting, cybercrime, drug offences, fraudulent medicine, money-laundering, obstruction of justice, participation in an organized criminal group, piracy, smuggling of migrants, trafficking in firearms and related offences, trafficking in cultural property, wildlife and forest crime, and trafficking in persons and terrorism. The database enables users to see how States respond to organized crime through analysis of court cases. Finally, SHERLOC also hosts a Bibliographic Database and the password-protected Directory of Competent National Authorities (CNA Directory). The CNA Directory provides easy access to the contact information of competent national authorities designated to handle requests under the Organized Crime Convention and the Protocols thereto.³⁹

In order to facilitate implementation of the Organized Crime Convention, CSS developed the Mutual Legal Assistance Request Writer Tool. It assists States with the drafting of MLA requests, facilitating and strengthening international cooperation in criminal matters. The MLA Tool guides the casework practitioner step by step through the request process for each type of mutual assistance, using a series of templates. It consolidates all data entered and automatically generates a correct, complete and effective request for final editing and signature. Importantly, the MLA Tool is currently available in several languages.

5.2.2. Implementation Support Section

The Implementation Support Section (ISS) provides, inter alia, advice, technical support and project guidance (including to the country and regional programmes and projects with relevant components) on the implementation and practical application of the international conventions to which UNODC provides secretariat support. In undertaking this work, the Section interacts directly with law enforcement and legal authorities, including police, customs, anti-narcotics enforcement, border control bodies, national security agencies (if they are empowered with law enforcement functions) financial intelligence units, criminal asset recovery units, prosecutors, judges and others—working closely with UNODC field offices.

in assessing the needs of States Parties for technical assistance, with a focus on implementing legislation. At the domestic level, the tools can also enable experts, in particular policymakers and legislators, to assess the implementation of the Convention.

Download the guide at:

https://www.unodc.org/documents/organized-crime/tools_and_publications/16-02938_eBook.pdf



In addition, ISS currently has oversight and responsibility for several global programmes and projects:

- *The Global Programme for Strengthening the Capacities of Member States to Prevent and Combat (transnational) Organized and Serious Crimes (GPTOC)* provides technical assistance to States to effectively implement the Organized Crime Convention in order to deal with different forms of serious and organized crime;
- *The Global Firearms Programme (GFP)* was created to assist Member States in building adequate criminal justice systems to effectively respond to the challenges posed by organized crime, such as those that are specifically related to trafficking in firearms its parts and components and ammunition;
- *The Container Control Programme (CCP)* that is implemented in partnership with the World Customs Organization (WCO) has a global reach and aims to fortify the structures and processes which allow for the application of sustainable laws for States and selected ports, so as to minimize the exploitation of maritime containers for the illicit trafficking of drugs and other transnational organized criminal activities;
- *The Global Programme “Strengthening Criminal Investigation and Criminal Justice Cooperation along Drug Trafficking Routes” (CRIMJUST)* seeks to combat the flow of illicit drugs by enhancing law enforcement and judicial counter-narcotic strategies beyond interdiction activities and by fostering transnational responses targeting each stage of the drug supply chain.

5.2.3. Human Trafficking and Migrant Smuggling Section

The Human Trafficking and Migrant Smuggling Section (HTMSS) supports Member States in implementing the key international instruments that address trafficking in persons and the smuggling of migrants: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

HTMSS assists Member States, criminal justice practitioners and relevant stakeholders in preventing and prosecuting these crimes, protecting the rights of people who fall prey to the criminals who commit them, and promoting cooperation among Member States to achieve those ends.

The Section offers support and assistance in five main areas:

- Knowledge-base expansion;
- Strategy and policy development;
- Prevention and awareness-raising;
- Ratification and legislative assistance;
- Technical assistance and capacity building.

HTMSS also facilitates international cooperation, promotes policy work at the international and interagency levels and provides substantive guidance, technical services and comprehensive strategic advice to intergovernmental and inter-agency fora to prevent and combat trafficking in persons and the smuggling of migrants, including the COP-UNTOC and its two dedicated Working Groups and the Commission on Crime Prevention and Criminal Justice (CCPCJ).

HTMSS’s technical assistance and support are delivered primarily through three global programmes:

- *The Global Programme against Trafficking in Persons* supports Member States in preventing and combating human trafficking by promoting the ratification and implementation of the Trafficking in Persons Protocol supplementing the Organized Crime Convention. It focuses on the development of good practice materials and training programmes that are then put to use in technical assistance programmes.
- *The Global Programme against the Smuggling of Migrants* is UNODC’s response to the global, regional and national challenges faced by Member States in addressing the smuggling of migrants and related conduct. Its objective is to support Member States to prevent and prosecute this crime, protect the rights of smuggled migrants and promote cooperation to these ends.
- *The Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants* (GLOACT Asia and the Middle East) aims to assist the selected countries in their implementation of national counter-trafficking and counter-smuggling activities.

In the framework of these programmes, the Section provides for and contributes to technical assistance activities at the national and regional level. It provides training to practitioners, governmental officials and civil society representatives on areas of crime prevention and criminal justice responses to human trafficking and the smuggling of migrants as well as protection and assistance to trafficking victims and smuggled migrants. Recognizing civil society and other non-governmental stakeholders as important partners filling gaps in governmental responses to trafficking in persons and the smuggling of migrants, HTMSS relies on a diverse network of stakeholders built over the years.

To enhance coherence of efforts within the United Nations and other relevant international and regional organizations, UNODC is actively engaged in a number of inter-agency mechanisms and global partnerships against trafficking in persons and migrant smuggling. Through its HTMSS, UNODC is the permanent coordinator of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT). It is also a member of Alliance 8.7 and the Global Protection Cluster’s Anti-Trafficking in Humanitarian Action Task Team.



5.2.4. Cybercrime and Anti-money Laundering Section

The work of CMLS is highly relevant for the implementation of the Organized Crime Convention. It focuses on responses to cybercrime and supports anti-money laundering activities by, inter alia, managing two global programmes:

- *The Global Programme on Cybercrime* is designed to support Member States in their response to cybercrime, predominantly by helping them to increase their efficiency and effectiveness in the investigation, prosecution and adjudication of cybercrime and to strengthen national and international response to cybercrime risks;
- *The Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism* aims to empower Member States to implement measures against money-laundering and the financing of terrorism and to assist them in detecting, seizing and confiscating illicit proceeds, as required pursuant to the Organized Crime Conventions and other United Nations instruments and globally accepted standards.





TOOL 1

Presence at the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (COP-UNTOC)

As per Rule 17 of the Rules of Procedure for the COP-UNTOC, NGOs may participate in COP-UNTOC sessions taking place in Vienna, Austria. NGOs are invited to consider showcasing the achievements of their organizations and making oral statements to outline points of view or research findings at side events or in a COP-UNTOC plenary meeting.



MORE INFO

The Inter-Agency Coordination Group against Trafficking in Persons (ICAT)

The Inter-Agency Coordination Group against Trafficking in Persons (ICAT) is a policy forum that was formally established in 2007, pursuant to United Nations General Assembly resolution 61/180. ICAT's mission is to facilitate a holistic and comprehensive approach to the problem of trafficking in persons. UNODC was assigned a coordinating role within ICAT.

ICAT's functions are to:

- Provide a platform for exchange of information, experiences and good practices on anti-trafficking activities;
- Support activities of the UN and other international organizations with the aim of ensuring a full and comprehensive implementation of all international instruments and standards of relevance for the prevention and combating of trafficking in persons and protection of and support for victims of trafficking;
- Work towards a comprehensive, coordinated and holistic approach to human trafficking, which is gender and age-sensitive and grounded in a human rights based-approach; and
- Promote effective and efficient use of existing resources, using, to the extent possible, mechanisms already in place at the regional and national level.

ICAT official webpage: <https://icat.network> | **Contact ICAT at:** icat@un.org

part

6

ACRONYMS

COP-UNTOC Conference of the Parties to the United Nations Convention against Transnational Organized Crime
CSO Civil Society Organization
CST Civil Society Team
ECOSOC Economic and Social Council
GI-TOC Global Initiative against Transnational Organized Crime
IRM International Review Mechanism

NGO Non Governmental Organization
SHERLOC Sharing Electronic Resources and Laws on Crime
UN United Nations
UNCAC United Nations Convention against Corruption
UNODC United Nations Office on Drugs and Crime
UNTOC United Nations Convention against Transnational Organized Crime

THE REVIEW MECHANISM

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6.1. Adoption of the Review Mechanism

The Organized Crime Convention and the Protocols thereto truly represent the principal global legal instruments in combating transnational organized crime. By requiring States Parties to adopt specific legislative and other measures and promote international cooperation, these instruments contribute to strengthening national institutions and to building capacity to prevent and combat transnational organized crime at the international level.

After ten years of continuous efforts, at its 9th session held on 15-19 October 2018, the COP-UNTOC adopted resolution 9/1⁴⁰ that established the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (henceforth “Review Mechanism”).

In the same resolution the COP-UNTOC further decided to launch the preparatory phase of the Review Mechanism, lasting two years. The preparatory phase will be followed by a review process that will last ten years. The Review Mechanism is expected to substantively promote the implementation of the Organized Crime Convention and its supplementing Protocols, thus contributing to the effective prevention and combating of transnational organized crime and, more broadly, attainment of the 2030 Agenda for Sustainable Development.

6.2. Purposes and guiding principles

The main goals of the Review Mechanism, defined in paragraph 8 of the Procedures and Rules of the Review Mechanism, are to:

- Promote the purposes of the Convention and the Protocols thereto;
- 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;
- 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;
- 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;
- Promote international cooperation as stipulated in the Convention and the Protocols thereto; and
- 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.



MORE INFO

Guiding principles and characteristics of the Review Mechanism (as per Procedures and Rules for the Functioning for the Review Mechanism of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, II (4) (a-p))

- Be transparent, efficient, non-intrusive, inclusive and impartial;
- Not produce any form of ranking;
- Provide opportunities to share good practices and challenges;
- Assist States parties in the effective implementation of the Convention and, where applicable, the Protocols thereto;
- Take into account a balanced geographical approach;
- Be non-adversarial and non-punitive and promote universal adherence to the Convention and its Protocols;
- Base its work on clear, established guidelines for the compilation, production and dissemination of information, including confidentiality and submission of the outcome to the Conference, which is the competent body to take action on such outcome;
- Identify, at the earliest possible stage, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and its Protocols, as applicable, and good practices adopted in efforts by States Parties to implement the Convention and, where applicable, the Protocols thereto;
- Be of a technical nature and promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection for victims;
- Complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts;
- Be an intergovernmental process;
- Be conducted in conformity with article 4 of the Convention, not serve as an instrument for interfering in the domestic affairs of States Parties and be conducted in a non-political and non-selective manner and respect the principle of equality and sovereignty of States Parties;
- Promote the implementation of the Convention and its Protocols by States Parties, as applicable, as well as cooperation among States parties;
- Provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting transnational organized crime;
- Take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions;
- Endeavour to adopt a progressive and comprehensive approach, given that the review of implementation of the Convention is an ongoing and gradual process.

The Review Mechanism will be conducted through a peer review, with one State being reviewed by two other States for each instrument (i.e., the Convention and its three Protocols) to which it is a party. This means that there will be two reviewing States for each instrument ratified by the reviewed State 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. The draw will determine the reviewers for each State. Reviewers will be the same throughout the review process.

	CLUSTER ON CRIMINALIZATION AND JURISDICTION	CLUSTER ON PREVENTION, TECHNICAL ASSISTANCE, PROTECTION MEASURES AND OTHER MEASURES
ORGANIZED CRIME CONVENTION	Articles 2, 5, 6, 7, 8, 9, 10, 15 and 23 ⁴¹	Articles 24, 25, 29, 30 and 31
TRAFFICKING IN PERSONS PROTOCOL	Articles 3 and 5	Articles 6, 7 and 9
SMUGGLING OF MIGRANTS PROTOCOL	Articles 3, 5 and 6	Articles 8, 9, 14, 15 and 16
FIREARMS PROTOCOL	Articles 3, 5 and 8	Articles 7, 9, 10, 11, 14 and 15

All States Parties to UNTOC will be divided in three groups and will start their review staggered in three consecutive years. All articles of the Organized Crime Convention and its Protocols have been divided into four clusters, dedicated to a specific theme of the Organized Crime Convention. The substantive review process for the four instruments has also been divided accordingly in four phases of two years each and in each phase the implementation of one thematic cluster by States will be reviewed.

CLUSTER ON LAW ENFORCEMENT AND THE JUDICIAL SYSTEM

Articles 7, 11, 19, 20, 22, 26, 27 and 28

Articles 11, 12 and 13

Articles 11, 12 and 13

CLUSTER ON INTERNATIONAL COOPERATION, MUTUAL LEGAL ASSISTANCE AND CONFISCATION

Articles 12, 13, 14, 16, 17, 18 and 21

Articles 8 and 10

Articles 7, 10, 18

Articles 6, 12 and 13

As per the Guiding Principles and Characteristics outlined in Section II of the Procedures and Rules of the Review Mechanism, the Review Mechanism is meant to be an intergovernmental process and will have a technical nature. It will promote constructive collaboration, inter alia, on issues concerning international cooperation, prevention, protection of witnesses and assistance and protection to victims. As a non-intrusive, non-adversarial and non-punitive process, the Review Mechanism will provide opportunities to share good practices and will complement existing relevant international and regional review mechanisms so that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of efforts.

6.3. Timeline

As illustrated in the table below, the Review Mechanism will be comprised of a preparatory phase lasting two years and a substantive review process lasting eight years per each State under review.

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				

During the preparatory phase, which is expected to be concluded by October 2020, Member States, with the support of the Secretariat, are going to 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 on the SHERLOC portal that will represent the main tool to support information gathering and communication during the review process.

As the status of adherence differs between the Organized Crime Convention and the three Protocols, and given that each instrument can only be reviewed by two States Parties that are also a party to that instrument, as mentioned above, 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 total number of reviewers cannot exceed four.

UNTOC Review Mechanism

WHAT?

- Intergovernmental peer review process under the authority of the COP-UNTOC and its Working Groups
- Adopted by COP-UNTOC resolution 9/1 (Oct. 2018)
- Aims to:
 - Promote the implementation of UNTOC and its Protocols
 - Facilitate cooperation among States Parties in preventing and fighting transnational organized crime
 - Provide opportunities to share good practices

WHO?

- Applicable to all States Parties to UNTOC and the Protocols they are party to
- Supported by the Secretariat (UNODC)
- Allows for participation of non-governmental stakeholders through constructive dialogues

WHEN?

- A gradual process consisting of:
 - 1 preparatory phase (years 1-2)
 - 4 review phases (years 3-12)

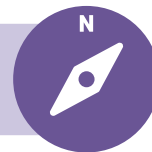
HOW?

- General review undertaken in the COP-UNTOC Plenary
- Country review:
 - Peer review: one State Party under review and 2 reviewing States Parties per instrument
 - Country pairings determined by a drawing of lots
- Review process organized along 4 thematic clusters

OUTCOMES

- General review
 - General reports on trends, patterns and best practices (prepared by the Secretariat for consideration by the COP-UNTOC; available to the public in the 6 UN official languages)
- Country review
 - Lists of observations for each State Party (available to the COP-UNTOC Working Groups as conference room papers unless the State Party under review decides to keep parts of the document confidential)
 - Summaries of the lists of observations not exceeding 1500 words (available to the public in the 6 official languages)

EXAMPLES OF THE INVOLVEMENT OF STATES PARTIES IN THE REVIEW MECHANISM



Based on their ratification status in different instruments

EXAMPLE 1

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

EXAMPLE 2

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

6.4. The review process and reviewers

The review process follows two review tracks: a general review that will be undertaken in the COP-UNTOC Plenary and individual 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 the implementation of the Organized Crime Convention and its Protocols. It will be facilitated by a general report on trends, patterns and best practices prepared by the Secretariat before each session of the COP-UNTOC 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 COP-UNTOC (For further details about the COP-UNTOC Working Groups, go back to Section 5.1.1.)

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 through the use of 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 filling out the self-assessment questionnaires for the review of the implementation of the Organized Crime Convention and its Protocols, written communications, preparation of the

written outputs of the review process, among other tools. 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 questionnaire offline and uploading it through SHERLOC's new secure module.

Once the reviewing groups are established by the drawing of lots, and as the 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 United Nations. In exceptional cases, a third language can also be added.

Successively, experts from the State Party under review will undergo the completion of the self-assessment questionnaire on the subject matter of the cluster of articles under review. Such questionnaire is then submitted to the experts of the reviewing States Parties for review and preparation of general feedback.

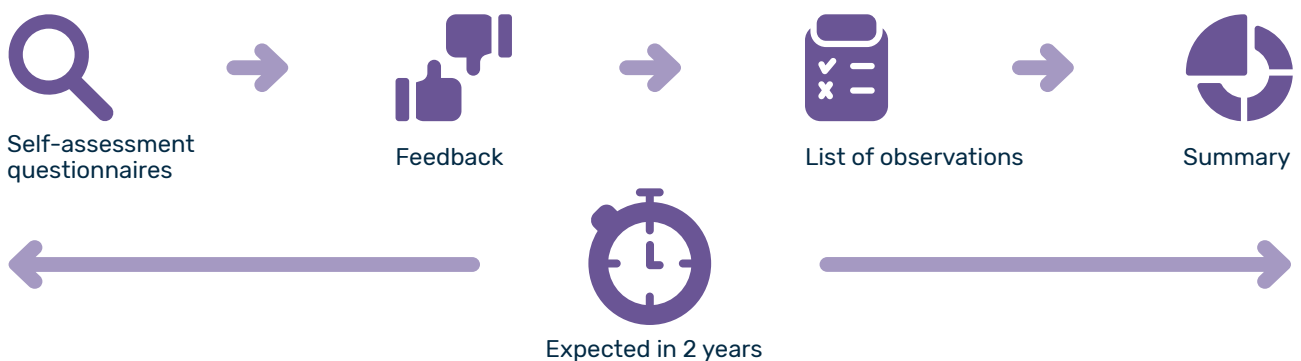
At the final stage of each review phase for each State, the reviewing States, in close cooperation and coordination with the State under review, and with the assistance of the Secretariat, shall prepare a list of observations indicating any gaps and challenges in the implementation of the cluster of articles under review, best practices, suggestions and any technical assistance needs identified to improve the implementation of the Organized Crime Convention 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 to the public. 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 SHERLOC's secure module.

The State Party under review may decide to make its self-assessment questionnaire, along with the ensuing dialogue and the feedback received, public. Alternatively, these documents can be made available only to other States Parties or kept confidential.

Finally, a summary of the lists of observations, not exceeding 1,500 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 United Nations. Such summaries will be made available to the COP-UNTOC and the general public..

The mains steps of a country review are summarized below:

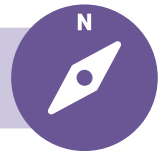


6.5. Tools for engagement of stakeholders in the UNTOC Review Mechanism

Non-governmental stakeholders will have mainly three tools for their engagement in the review process:

- Constructive dialogue;
- Self-assessment; and
- Pilot initiatives.

SAMPLE LETTER TO A STATE PARTY'S 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 start the engagement process.

[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, nongovernmental 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 truly appreciated.

Yours sincerely,

[Signature]

[Contact details]

TOOL 2



Constructive dialogue

Given that non-governmental stakeholders take on a crucial role in countering transnational organized crime, as outlined in paragraph 53 of the Procedures and Rules of the Review Mechanisms, NGOs (with and without ECOSOC status), the private sector and academia can be engaged in the Review Mechanism through a new feature called *constructive dialogue*.

This tool represents the major innovation of the engagement of non-governmental stakeholders in the Review Mechanism. Such dialogue constitutes the main engagement point through which relevant stakeholders can present to and discuss their observations 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 Organized Crime Convention, the Protocols thereto and the Review Mechanism.

The constructive dialogue shall be conducted by the Chair of the Working Group, assisted by the Secretariat, following the conclusion of the sessions of the Working Groups and the adoption of their reports. A panel with representatives of relevant stakeholders, including NGOs, may be arranged with the assistance of UNODC.

A set of rules for the registration and participation of non-governmental stakeholders in the constructive dialogue shall be followed to ensure that the dialogue runs smoothly and is conducted in a constructive manner. Interested organizations need to 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 COP-UNTOC. 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. Importantly, no specific country situation can be discussed or mentioned, except by the State under review.

The constructive 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.



TOOL 3

Self-assessment

Paragraph 23 of the Procedures and Rules of the Review Mechanism adopted by the COP-UNTOC resolution 9/1 encourages States Parties under review to reply to the self-assessment questionnaires through broad consultations at the national level with all relevant stakeholders. Such engagement has been left to the discretion of the State under review, and the specific modality of engagement will differ from country to country.

Given the flexible format of self-assessments, non-governmental stakeholders, particularly CSOs, need to be proactive and prepared to reach out to the government-designated unit coordinating the review process. It is recommended that before making this step, non-governmental stakeholders collect information about the timeline of when the country in question will be under review and the specific unit that will serve as a focal point for the purposes of the Review Mechanism. It is also advisable that non-governmental stakeholders decide on the clusters of the Review Mechanism most relevant for their work and request access to pertinent information.

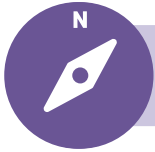
As the government in question is undergoing review and participates in the ensuing dialogue with experts of the reviewing States, non-governmental stakeholders, particularly CSOs, should consider preparing an independent report on the measures taken by government towards the implementation of UNTOC and the Protocols it is party to, indicating any gaps and challenges in the implementation of the provisions under review and existing best practices. In doing so, it is advisable that nongovernmental stakeholders identify and reach out to possible partners and plan for a collaborative engagement in the review process together with other stakeholders.

Information about relevant stakeholders can be searched in the WhatsOn database or received from the UNODC Civil Society Team, the Alliance of NGOs on Crime Prevention and Criminal Justice or Global Initiative against Transnational Organized Crime.

UNODC Civil Society Team: unodc-ngounit@un.org

Global Initiative against Transnational Organized Crime: secretariat@globalinitiative.org

Alliance of NGOs on Crime Prevention and Criminal Justice: info@crimealliance.org



MODEL ACTION PLAN FOR PARTICIPATION IN THE SELF-ASSESSMENT STAGE OF THE REVIEW MECHANISM



Focal point



Establish transparent and constructive channels of communication with the government-designated Focal Point



Self-assessment questionnaire



Advocate for the preparation of self-assessment questionnaire through broad consultations with relevant stakeholders



Feedback



Prepare an independent report on the measures taken by your government towards the implementation of UNTOC and the Protocols it is party to



List of observations



Recommend that your government make public the responses to its self-assessment questionnaire, ensuing dialogue and additional documentation, or part thereof, including through SHERLOC



Summary



- *Prepare an action-oriented assessment of the review process and its results*
- *Formulate follow-up recommendations based on the specific needs identified in the review process*
- *Suggest that your government develop a follow-up action plan in consultation with stakeholders*



ENTRY POINTS

Non-governmental stakeholders have several entry points available to them to participate in the UNTOC Review Mechanism.

- All stakeholders are suggested to establish transparent and constructive channels of communication with their governments and the designated Focal Point for the Review Mechanism. They are also invited to encourage their governments to participate in country-specific pilot initiatives;
- CSOs interested in participating in the sessions of the COP-UNTOC are recommended to conduct background research on the Review Mechanism, particularly the timeline and review process “clusters” elaborated in the Procedures and Rules of the Review Mechanisms adopted by COP-UNTOC resolution 9/1;
- Despite the fact that the first constructive dialogue is not going to take place until 2022, CSOs should identify the Working Group(s) of interest with a view of their potential engagement with them as part of the constructive dialogue provided for in COP-UNTOC resolution 9/1.
- CSOs that consider participating in the “constructive dialogue” in the margins of the COP-UNTOC Working Groups (available from 2022 onwards) should express their interest to CST at unodc-ngounit@un.org
- All stakeholders are invited to participate in CST’s capacity building programmes, namely: (i) Stakeholder Engagement for UNTOC (SE4U) workshops and (ii) Regional Expert Group Meeting on counter-trafficking.

Contact UNODC CST at: unodc-ngounit@un.org

Visit its website at: <https://www.unodc.org/unodc/en/ngos/crime.html>

WhatsOn

Powered by SHERLOC, a UNODC-wide online knowledge hub, WhatsOn, is a platform of stakeholders doing work related to countering transnational organized crime. It also serves as a repository of relevant information and resources related to the implementation of the Organized Crime Convention and its Protocols. **WhatsOn aims to:**

- Foster a stronger network of stakeholders with a vested interest in the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism;
- Serve the interest and needs of these key stakeholders by providing them with tools and resources on countering transnational organized crime; and
- Facilitate an open dialogue among stakeholders and promote collaborative knowledge accumulation and sharing on transnational organized crime topics.

TOOL 4



Pilot initiative

As part of UNODC Civil Society Team's (CST) project, entitled "Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (UNTOC) – SE4U, Its Review Mechanism and Related Activities," States Parties are invited to conduct voluntary "pilot initiatives" to test the modalities of review of the Convention as pioneering examples of how the Review Mechanism will be done in practice. These initiatives, aligned with the UNTOC Review Mechanism, aim to strengthen cooperation between the national authorities, NGOs, academia and the private sector at the government level.

Since the idea of a constructive dialogue 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 additional space for meaningful discussions between governments and relevant stakeholders in preparation for the Working Group meetings.

Such pilot initiatives will also enable representatives of governments and non-governmental stakeholders to exchange views on country-specific targets against transnational organized crime. Doing so is expected to bridge the gaps in the review process which has no country visits as it is the case with UNCAC's Implementation Review Mechanism.

part

7

ACRONYMS

AFP	Australia Federal Police	ICAT	Inter-Agency Coordination Group against Trafficking in Persons
CCP	Container Control Programme	INTERPOL	International Criminal Police Organization
CCPCJ	Commission on Crime Prevention and Criminal Justice	MoU	Memorandum of Understanding
COP-UNTOC	Conference of the Parties to the United Nations Convention against Transnational Organized Crime	NABIS	National Ballistics Intelligence Service
CSI	Crime Stoppers International	NGO	Non Governmental Organization
CSO	Civil Society Organization	PELTS	Portable Enforcement Laboratory for Testing Seizures
CSR	Corporate Social Responsibility	RAB	Research and Analysis Branch
CST	Civil Society Team	RCMP	Royal Canadian Mounted Police
DPA	Division for Policy Analysis and Public Affairs	SAPS	South African Police Service
E4J	Education for Justice	SAS	Small Arms Survey
ECOFIT	Options for Enhancing Operational Instruments in the Area of Firearms Trafficking	SDG	Sustainable Development Goal
EGM	Expert Group Meeting	SELEC	Southeast European Law Enforcement Centre
EU	European Union	SHERLOC	Sharing Electronic Resources and Laws on Crime
EUROPOL	European Union Agency for Law Enforcement Cooperation	TOCTA	Transnational Organized Crime Threat Assessment
GFP	Global Firearm Program	UN	United Nations
GI-TOC	Global Initiative against Transnational Organized Crime	UNODC	United Nations Office on Drugs and Crime
HEI	Higher Education Institution	UNTOC	United Nations Convention against Transnational Organized Crime
HTMSS	Human Trafficking and Migrant Smuggling Section	UNVTF	United Nations Voluntary Trust Fund for Victims of Trafficking in Persons
IAFQ	Illicit Arms Flows Questionnaire	WCO	World Customs Organization
IAU	International Association of Universities	ZIALE	Zambia Institute of Advanced Legal Education

TOOLS FOR ENGAGEMENT OF NON-GOVERNMENTAL STAKEHOLDERS IN THE IMPLEMENTATION OF **THE ORGANIZED CRIME CONVENTION**

CONTENTS

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Introduction

Non-governmental stakeholders can contribute to the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism with the following tools:

- Advocacy for policies and laws;
- Monitoring and evaluation of action;
- Awareness-raising;
- Research and analysis;
- Education and training; and
- Multi-stakeholder partnerships.

These different tools of engagement may overlap and impact one another.

7.1. *Advocacy for policies and laws*

Advocacy implies a wide range of public activities which plead or argue in favour of a particular cause or policy and aim to influence decisions within political, economic, and social systems and institutions. Non-governmental stakeholders engaged in advocacy usually gather information and facts, build coalitions with other relevant partners (e.g., the mass media) in order to inform governments and the general public about an issue or course of action. Various channels of communication may be used as part of advocacy strategies, such as one-on-one talks, public hearings, open letters, press releases, and blogs.

As it comes to the implementation of the Organized Crime Convention and its Protocols, advocacy is a useful tool to generate support among governments and the general public of these instruments. Through advocacy means non-governmental stakeholders can help to ensure that both decision makers and citizens are aware of the need to criminalize organized crime-related offences and the importance of successful cooperation against transnational organized crime.

For example, the crime of trafficking in persons has been taken on by a broad coalition of civil society groups around the world. They have demonstrated unprecedented mobilization for the cause of ending exploitation and human suffering. At times, however, the anti-trafficking movement was hampered by divided goals, confused definitions, and cross-cutting challenges. Nevertheless, there are promising ways to build momentum against trafficking in persons with advocacy that can save lives.

The private sector has a vested interest in advocacy for counter-organized crime policies too. Organized crime infiltration of corporations and even small businesses may increase the costs of business operations for individual companies. Therefore, due diligence and counter-organized crime efforts should not be seen as a burden for business but rather as an opportunity to promote prosperity and growth.



CASE STUDY 2

Zambia gains momentum in its review of the anti-human trafficking Act No. 11 of 2008

UNODC partnered with the Zambia Law Development Commission (ZLDC) to convene a validation meeting on 19 December 2019 for stakeholders on the review of the Anti-Human Trafficking Act No. 11 of 2008. The review was necessitated by the need to address the bottlenecks associated with the enforcement of the Act and re-aligning the provisions of the Act with the 2002 Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) as per Zambia's international obligations.

The review process drew on the findings from the desk review of national laws and policies relating to trafficking in persons and the international legal framework as well as it was informed by recommendations from consultations and validation meetings, in which civil society organizations participated, including, among others, CARITAS Zambia, Save the Children, Zambia Civic Education Association (ZCEA) and Undikumbukire Project Zambia.

This meeting was part of a joint project, entitled "Strengthening the implementation of a comprehensive response to trafficking in persons in Zambia," funded by the United Kingdom and implemented by UNODC in partnership with the Government of Zambia. It is implemented under the UNODC Global Programme against Trafficking in Persons, jointly with the UNODC Regional Office for Southern Africa.

Further information at:

<https://www.unodc.org/unodc/en/human-trafficking/Webstories2019/zambia-gains-momentum-in-its-review-of-the-anti-human-trafficking-act-no-11-of-2008.html>



TOOL 5

Advocacy

Normally, CSOs and academia are most actively involved in advocacy. In the context of the implementation of the Organized Crime Convention and its Protocols, these stakeholders are invited to consider:

- Organizing advocacy campaigns, including targeted campaigns on specific topics, for the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism;
- Advocating for the establishment of mandatory forms of conduct required by UNTOC and the Protocols thereto as criminal offences, when committed intentionally, as criminal offenses;
- Drawing on model UNODC-drafted laws to advocate for the best available policy options; and
- Proposing to government that non-governmental stakeholders be allowed to join or contribute to drafting committees, working on legislative reforms and/or designated units responsible for the UNTOC Review Mechanism.

Private sector entities have a vested interest in a secure business environment that is not interrupted or jeopardized by organized crime. Therefore, they also have a vested interest in the successful implementation of the Organized Crime Convention and its supplementing Protocols and may join CSOs and academia in advocating for the adoption of laws, policies, and practices or amendments thereof consistent with UNTOC and the Protocols, including periodical reviews of the implementation of these instruments.

7.2. *Monitoring and evaluation of action*

Monitoring and evaluation are crucial for the successful implementation of the Organized Crime Convention and the Protocols thereto, including the Review Mechanism. Monitoring involves systematic collection of data along specific indicators to evaluate the degree of achievement of objectives and progress made. Evaluation assesses programmes and policies in respect of their design, implementation, and results.

Monitoring and evaluation largely concern CSOs and academia. They follow up on whether governments stick to their commitments related to the implementation of the Organized Crime Convention and the Protocols thereto. They also evaluate immediate outcomes and long-term impact of the implementation of counter-organized crime measures required and recommended in these instruments.

CSOs and academic experts, for instance, may inquire about the interpretation by States Parties of certain articles of the Organized Crime Convention and its Protocols, together with their expressed obstacles during implementation. Moreover, CSOs can compare how commitments, reforms or policies in support of implementation are matched by the adequate allocation of needed financial and human resources.

Importantly, by identifying the most serious gaps, non-governmental stakeholders can initiate changes to strengthen national responses to the crimes covered by the Organized Crime Convention and its Protocols with targeted amendments in legislation, innovative law enforcement techniques and comprehensive support to witnesses and victims.

Monitoring and evaluation of governmental action in the implementation of the Organized Crime Convention and the Protocols thereto can be used by non-governmental stakeholders as a basis for dialogue with their governments, an instrument for mobilising public opinion for specific counter-organized crime strategy and a means for identifying priorities and urgency of response.

Neither monitoring nor evaluation is, however, intended for ranking or shaming countries. Rather, the objectives are to help governments achieve effectiveness in combating transnational organized crime and overcoming ineffective policy implementation.



CASE STUDY 3

GI-TOC's UNTOC-WATCH

UNTOC-Watch is a project from the Global Initiative against Transnational Organized Crime (GI-TOC) that seeks to monitor and analyse how the UN system responds to organized crime. Through analysis by experts inside and external to the UN system, UNTOC-Watch aims to support the UN in responding more effectively and systematically to threats posed by organized crime.

The project aims to promote and distribute informed analysis of the role of UNTOC in the contemporary fight against transnational organized crime. It explores how countering organized crime may be brought into a more central position within the development agenda, and to foster discussion on the role of developmental agencies in coordinating efforts to promote crime-resistant development policy.

The project is dedicated to a comprehensive review of the UN's overall mandate for addressing organized crime and serves as a basis for discussion about how organized crime challenges, which are now far-reaching and serious, could be more effectively met and how UN system resources can be used more coherently.

Further information at:

<https://globalinitiative.net/un-toc-watch/>



RECOMMENDED RESOURCE

A Toolkit for Guidance in Designing and Evaluating Counter-trafficking Programmes: Harnessing Accumulated Knowledge to Respond to Trafficking in Persons (2016)

This publication builds on a discussion paper developed by the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) on the current state of evaluation practice in the field of trafficking in persons. It provides an accessible and easily employable set of tools that practitioners can use to put sectoral learning to work and improve their counter-trafficking programmes. These tools are intended to help strengthen programme design, inform planning for evaluation, and engender formative and summative learning. It toolkit aim to promote more effective programmes that, together with their evaluation, contribute to further building the evidence base of "what works" to respond effectively to trafficking in persons.



CASE STUDY 4

UNODC's role in the JustLEAD project: Strengthening criminal justice with internal and external oversight of criminal justice institutions

The Law Enforcement Accountability Dashboard project, JustLEAD, was developed under the CRIMJUST framework which is a four-year (2016-2020) joint initiative funded by the European Union Cocaine Route Programme and implemented by UNODC in partnership with INTERPOL and Transparency International. It aims to counter integrity gaps in criminal justice institutions fighting organized crime and strengthen criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa.

JustLEAD allows civil society groups to assess the internal and external oversight, capacity, transparency and independence of criminal justice institutions. Based on the results of their analysis, civil society groups can formulate specific and measurable recommendations for the institutions. This allows them to track the progress and improvements made over time and eventually incentivize reform in criminal justice institutions.

Further information at:

<https://www.transparency.org/en/projects/justlead-strengthening-criminal-justice-along-the-cocaine-route>

Part I provides a general overview of counter-trafficking programming design issues and highlights the value of (a) drawing on behaviour change and good practice and (b) considering the potential for interventions to, negatively, displace rather than reduce trafficking. It provides an overall starting point for the design of counter-trafficking interventions, outlining a series of questions to help map the specifics of individual trafficking patterns and identify the most appropriate set of responses.

Part II elaborates on seven types of counter-trafficking activities. Each section contains (a) a brief discussion of lessons learned; (b) a set of questions aimed at assisting in programme design; and (c) a non-exclusive set of possible indicators for measuring progress in responding to trafficking.

Available at: https://icat.network/sites/default/files/publications/documents/16-10273_ICAT_toolkit.pdf



TOOL 6

Monitoring and evaluation

There is no single universal blueprint for policy monitoring and evaluation of the implementation of UNTOC, the Protocols thereto and the Review Mechanism. All stakeholders are encouraged to develop a custom-made approach for a specific level of government, institution, community or activity. All stakeholders, however, may call on their governments to begin or continue collecting the kind of data that are needed to monitor and evaluate their implementation of counter-transnational organized crime instruments. It is recommended that closer relationships be developed with key officials and administrators in relevant government units who are responsible for the Review Mechanism in order to convince them that they can benefit from the exchange of information, transparency of the review process and engagement of a diverse group of stakeholders.

CSOs are invited to:

- Check whether domestic legislation and specific policies are implemented in line with UNTOC and its supplementing Protocols and evaluate the level of priority given to these instruments;
- Get access, wherever possible, to relevant information collected and stored by government agencies with a view to monitoring and evaluation of progress made towards implementation of UNTOC and its supplementing Protocols; and
- Develop instruments to collect quantifiable data and identify a clear benchmark for measuring the implementation of UNTOC and its Protocols to be used for holding governments to account for their promises.

Businesses may wish to support the monitoring and evaluation of the implementation of UNTOC and its supplementing Protocols with data and expertise or funding (among other resources).

Academic experts may consider:

- Producing evidence-based research which can be potentially translated into more effective national, regional and international policies against transnational organized crime; and
- Developing a set of indicators for systematic and comprehensive monitoring and evaluation of the implementation of UNTOC, the Protocols thereto and the Review Mechanism.

7.3. Awareness-raising

Awareness-raising about the risks posed by transnational organized crime and the importance of the Organized Crime Convention and its Protocols is a powerful tool in the hands of non-governmental stakeholders. It can help to gather support for reforms and concerted action against transnational organized crime.



CASE STUDY 5

“Don’t buy into organized crime”: UNODC’s awareness-raising campaign against counterfeiting

Launched in January 2014, the campaign, “Counterfeit: Don’t buy into organized crime,” highlights the significant issues raised by the \$250 billion a year illicit trafficking of counterfeit goods. The campaign informs the public that buying such products not only funds organized criminal groups but also puts their health and safety at risk, while at the same time contributing to other ethical and environmental concerns.



Since its launch, the campaign’s Public Service Announcement has been aired by a large number of broadcasters around the world, including Bloomberg, CNBC, CNN, National Geographic as well as many national and regional broadcasters.

The campaign also showcases that as a crime that touches virtually everyone in one way or another, counterfeit goods pose a serious risk to consumer health and safety. Consumers are at risk from unsafe products and faulty counterfeit goods that can lead to injury and, in some cases, death. Tyres, brake pads and airbags, aeroplane parts, electrical consumer goods, baby formula and children’s toys are just some of the many different items that can be and have been counterfeited. Fraudulent medicines also present a serious health risk to consumers while criminal activity in this area is a big business.

Consumers should also be aware that counterfeiting poses a significant environmental challenge. With no regulations in place, there is a real chance that harmful toxic dyes, chemicals, and unknown components used in counterfeit electrical goods are not disposed of properly, leading to serious environmental pollution.

Public Service Announcement: “Look Behind” at <http://youtu.be/tu8zArWI75k>

Campaign website: “Counterfeit: Don’t buy into organized crime” at <https://www.unodc.org/counterfeit>



CASE STUDY 6



UNODC's goodwill ambassador Nadia Murad

Featuring victims of organized crime, particularly survivors of trafficking in persons, who share information on their victimization is an important tool to raise awareness about the costs of organized crime and its harmful impact on societies. Engaging victims of organized crime in awareness-raising campaigns brings a human face to the issue, thus making a powerful call to intervention and response.

Nadia Murad, a Yazidi woman who survived trafficking at the hands of ISIL (Da'esh), spoke to the United Nations Security Council about human trafficking and conflict in its first-ever session on human trafficking on 16 December 2015. She was formally appointed UNODC Goodwill Ambassador

for the Dignity of Survivors of Human Trafficking on 16 September 2016. This designation marks the first time a survivor of atrocities is bestowed with such distinction.

As part of her role as Goodwill Ambassador, Murad participates in global and local advocacy initiatives that bring awareness to human trafficking and crimes against refugees.

In 2018, Nadia Murad was awarded the Nobel Peace Prize for "efforts to end the use of sexual violence as a weapon of war and armed conflict." This notorious award acknowledges her important contribution to combating sexual abuse through fierce awareness-raising for victims around the world. Murad's activism is an inspiring example and important reminder of the work that must be done to ensure that the voices of victims of trafficking and sexual slavery are heard.

Recommended for viewing:

- Nadia Murad Basee Taha (ISIL victim) on trafficking of persons in situations of conflict shares her story at Security Council 7585th meeting on 16 December 2015. A video of the speech is available from UN Television (UNTV) at: webtv.un.org/meetings-events/watch/nadia-murad-basee-taha-isil-victim-on-trafficking-of-persons-in-situations-of-conflict-security-council-7585th-meeting/4665835954001
- *On Her Shoulders*, a critically acclaimed award-winning documentary about Nadia Murad, is available at: <https://www.unodc.org/unodc/en/frontpage/2018/February/unodc-hosts-screening-of-award-winning-documentary-on-goodwill-ambassador-nadia-murad.html>.



RELEVANT INTERNATIONAL AWARENESS DAYS

The United Nations designates specific international awareness days as occasions to mark events or topics. UNODC, for example, has marked several days for awareness-raising activities dedicated to such topics as drug abuse, human trafficking and corruption. While these international days are observed and sanctioned by the United Nations, non-governmental stakeholders can use these occasions to great success in raising awareness about their cause. Organizing a special event to commemorate whatever international day is a great start and good reminder about the importance of specific issues.

- 3 Mar** | World Wildlife Day (established by A/RES/68/205)
- 21 Mar** | International Day of Forests (established by A/RES/67/200)
- 26 Jun** | International Day against Drug Abuse and Illicit Trafficking (established by A/RES/42/112)
- 30 Jul** | World Day against Trafficking in Persons (established by A/RES/68/192)
- 11 Oct** | International Day of the Girl Child (established by A/RES/66/170)
- 20 Nov** | World Children's Day (established by A/RES/836(IX))
- 9 Dec** | International Anti-Corruption Day (established by A/RES/58/4)
- 18 Dec** | International Migrants Day (established by A/RES/55/93)

A list of all UN-designated International Awareness Days is available here:

<https://www.un.org/en/sections/observances/international-days/>



CASE STUDY 7



UNODC hosts red carpet screening of “Love Sonia” on the International Day of the Girl Child

United Nations Headquarters in New York was the backdrop for a prestigious packed red-carpet screening of “Love Sonia,” a searing human trafficking drama inspired by true events. Hosted by UNODC and the NGO Apne Aap, on the International Day of the Girl Child, over 400 distinguished representatives from Governments, civil society and the arts and media community were in attendance.

The event was moderated by UNODC’s New York Office and featured a question and answer session with the film’s Director Tabrez Noorani, cast members, including Freida Pinto (“Slumdog Millionaire”) and the Founder of Apne Aap, Ruchira Gupta.

The attendees were called upon to support the UN Voluntary Trust Fund for Victims of Trafficking in Persons (UNVTF), especially women and children, who comprise 71% of human trafficking victims.

Further information is available at:

<https://www.unodc.org/unodc/en/frontpage/2018/October/unodc-hosts-red-carpet-screening-of-love-sonia-on-the-international-day-of-the-girl-child.html>



CASE STUDY 8

ICAT issue brief on the intersections of technology and trafficking was officially launched on World Day Against Trafficking in Persons

The Internet is misused by traffickers to recruit, advertise and exploit victims. With the internet, a victim may never leave his or her home and their exploitation can be streamed live and directed at global markets. Apps and chat rooms can be misused to exploit and abuse young people, often young girls, who are deceived into sham marriages or blackmailed into sexual exploitation.

Considering the expanding role of technology in trafficking in persons and the need for multi-pronged efforts, the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) has thus promoted

a dialogue across countries to develop stronger responses to address the misuse of technology in facilitating trafficking in persons. On 10 July, in the margins of the 41st Human Rights Council at the United Nations Office in Geneva, ICAT highlighted the trends, challenges and opportunities deriving from the intersections of technology and trafficking with the aim of kick-starting a policy discussion among stakeholders on how to harness the power of technology and of public-private partnerships. An ICAT Issue Brief on the intersections of technology and trafficking, containing joint policy recommendations for governments and relevant stakeholders, was officially launched on World Day Against Trafficking in Persons on 30 July 2019.

Further information is available at:

<http://icat.network/events/responding-misuse-technology-while-harnessing-its-potential-combat-human-trafficking>

Watch the video of New York thematic panel at:

<http://webtv.un.org/search/world-day-against-trafficking-in-persons-use-of-information-and-communications-technologies-icts-to-combat-trafficking-in-persons/6060009844001/?term=technology%20trafficking&sort=date>





TOOL 7

Awareness-raising

All stakeholders are invited to organize or contribute to public information campaigns related to the threats posed by transnational organized crime and effective implementation of the Organized Crime Convention and the Protocols thereto, including the Review Mechanism. If possible, such public information campaigns should be linked to one of the UN-designated International Awareness Days.

It is recommended that CSOs:

- Generate demand across society and key institutions for the implementation of measures against transnational organized crime, including those required in part or in full under the Organized Crime Convention and its supplementing Protocols;
- Draw public attention to important examples or landmark cases covering the crimes of the Organized Crime Convention in order to generate public pressure for the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism.

Academic experts may consider:

- Realizing the true potential of the Organized Crime Convention and its Protocols by sharing relevant research findings at appropriate venues not only for the sake of scientific progress but also as an awareness-raising tool;
- Expanding the knowledge base for designing effective awareness-raising campaigns with a focus on crime prevention measures outlined in the Organized Crime Convention and the Protocols;
- Promoting the exchange of ideas at public venues on the topics covered by the Organized Crime Convention and its Protocols.

Systematic awareness-raising programmes depend on continuous commitment and resources from the private sector. Businesses are proposed to consider supporting and participating in awareness-raising campaigns related to the implementation of the Organized Crime Convention and its Protocols.

7.4. Research and analysis

Production of knowledge in the form of research and policy analysis can have a positive impact on the implementation of the Organized Crime Convention and its supplementing Protocols. University faculty and researchers have a crucial role to play with regard to producing reliable data and in-depth analyses that can inform policy and strengthen evidence-based responses to transnational organized crime. Importantly, some universities and colleges have developed educational programmes that are tailored to the specific needs of local communities, thus assuming partial responsibility for the implementation of research findings into concrete responses to organized crime.

The role of CSOs in producing research and analysis of various forms of transnational organized crime cannot be underestimated either. CSOs, especially those with a research mandate, have access to data that are not readily accessible or available to governmental agencies. Collecting, analysing and sharing such data can result in a better understanding of transnational organized crime, and ultimately, translate into a more successful counter-organized crime policies.

UNODC maintains relationships with a number of universities, research and policy institutes and other knowledge-based organizations in order to collect and disseminate knowledge on transnational organized crime. Within the framework of its E4J initiative, UNODC works closely with individual academic experts and higher education institutions (HEIs) from around the world to strengthen the voice of academia in policymaking fora. This is done with a view to cross-fertilizing responses to transnational organized crime and allowing scientific findings to inform policy. In addition, UNODC runs a grant programme for HEIs teaching on SDG 16-related issues, including organized crime, and sponsors participation of young scholars in international academic conferences and events.





CASE STUDY 9

UNODC's innovative education and university partnerships are empowering young scholars

Academic conferences present scholars with opportunities not just to exchange important ideas but also to question and challenge them. Through this dynamic process, theories are worked and reworked, eventually forming a solid framework that applies in practice, beyond theory. For the Education for Justice (E4J) initiative, a component of the Global Programme for the Implementation of the Doha Declaration, such interactive conferences are an essential step in UNODC's drive to fulfil the internationally-agreed Sustainable Development Goals, especially SDG16 for peace, justice and strong institutions which falls under UNODC's remit.

The reinforced cooperation between higher education institutions and international organizations like UNODC and the notion of partnership between them were at the centre of discussions during the 2019 international conference in Puebla (Mexico) organized by the renowned International Association of Universities (IAU) with which UNODC has been working closely since 2018. The importance of education for crime prevention and for strengthening the rule of law, not least through engagement of young scholars in innovative pedagogy and open-source materials like E4J Module Series, was also highlighted during the 19th World Congress of Criminology held in Doha, Qatar, in the same year.

Further information at:

<https://www.unodc.org/dohadeclaration/en/news/2019/12/unodcs-innovative-education-and-university-partnerships-are-empowering-young-scholars.html>



The Doha Declaration:
**PROMOTING A CULTURE
 OF LAWFULNESS**





MORE INFO

SHERLOC: Sharing Electronic Resources and Laws on Crime



Most information on transnational organized crime is scattered and complex, and while no one resource can hope to collate all the useful links and resources together, UNODC has attempted to put the most relevant information in one database—the SHERLOC portal.

SHERLOC is a UNODC-led initiative that facilitates the dissemination of information regarding the implementation of the Organized Crime Convention, the three Protocols thereto and the international legal framework against terrorism. The SHERLOC portal has served not only as a practitioner's tool for police investigators, prosecutors and judges but also as a source of reliable information and data for scholarly research.

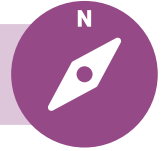
The SHERLOC knowledge management portal contains databases of case law, legislation, treaties, national strategies and bibliographic abstracts concerning organized crime and terrorism. It also hosts a legislative guide on implementation of the Organized Crime Convention and its supplementing Protocols. Each of SHERLOC's databases is searchable by keyword and can be filtered according to country, crime type, and relevant cross-cutting issues (e.g., investigation, international cooperation, evidence, gender, etc.)

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.

SHERLOC is available in each of the six UN languages (Arabic, Chinese, English, French, Russian and Spanish). All materials uploaded to SHERLOC are verified with relevant Member State(s) to ensure that they are accurate and up-to-date.

Access SHERLOC at: <https://sherloc.unodc.org/cld/v3/sherloc/>

WHY AND HOW TO CONTRIBUTE TO THE SHERLOC KNOWLEDGE PORTAL



The SHERLOC knowledge management portal is constantly expanding, providing more legal resources on organized crime and terrorism. To provide access to resources from around the world, SHERLOC relies on volunteer contributors.

Volunteers can contribute to SHERLOC in several ways:

- Sending us relevant resources (legislation, national strategies, case law and treaties) that are missing from SHERLOC
- Uploading legislation through SHERLOC's External Contributor Interface
- Writing case summaries in one of the official languages of the United Nations (English, French, Russian, Chinese, Arabic, and Spanish).

Contributors to SHERLOC are acknowledged on the SHERLOC acknowledgements page.

If you are interested in finding out more about becoming a contributor, please contact the SHERLOC team at: unodc-sherloc@un.org





CASE STUDY 10

Expanding the knowledge-base on migrant smuggling with SHERLOC

UNODC's Smuggling of Migrants Knowledge Portal, which is part of SHERLOC, aims to address the persistent lack of prosecution of smugglers by improving knowledge of prosecution practices and legislation against the smuggling of migrants. To capitalize on the wealth of information available through SHERLOC, UNODC organized a three-day expert group meeting (EGM) from 27 to 29 November 2018 to review the work undertaken to date on collecting and analyzing case law, legislation and other related legal and judicial data on the smuggling of migrants.

Experts from international and regional organizations (International Organization for Migration, Eurojust, EU Fundamental Rights Agency, International Centre for Migration Policy Development), academics (University of Bologna and Queensland University), as well as practitioners from Egypt, Ethiopia, Indonesia, Mexico and Niger, debated practical issues related to the collection and use of case law and topical challenges, such as the conflation of this crime with the facilitation of illegal entry, the confusion between trafficking in persons and smuggling of migrants and addressing the involvement of organized crime in smuggling with the appropriate means.

In order to promote the effective implementation of the Smuggling of Migrants Protocol, based on a common understanding of the smuggling of migrants as a form of organized crime, participants recommended highlighting good practices in combating smuggling of migrants from the cases in the database by developing secondary products, such as issue papers or legal briefs, on practices that have had a significant disruptive impact on the activities of an organized criminal groups involved in migrant smuggling, and on showing how the use of migrants as witnesses, rather than criminals affects investigations and prosecutions.

On the basis of expert recommendations collected during the meeting, UNODC will aim to improve the database to enable judges, prosecutors, policymakers, legal practitioners, researchers and other interested parties to more easily consult the practices of different jurisdictions, expand the knowledge-base of migrant smuggling crimes and identify best practice models that can be used to enhance the effectiveness of domestic and international efforts in combating this crime.

Further information is available at:

<https://www.unodc.org/unodc/en/human-trafficking/webstories2018/egm-som-cld.html>

Having recognized the importance of research for policymaking, UNODC has established long-standing contacts with research institutes with expertise on drugs and crime. These partnerships form a solid framework for collaboration that goes beyond theoretical deliberations and can positively transform practical responses to transnational organized crime.



CASE STUDY 11

UNODC's Global Firearms Programme building research partnerships

The Global Firearms Programme (GFP) supports research that deepens insights into measures to prevent trafficking in firearms, their parts and components and ammunition. It is a member of the Steering Committee of a research project on gun violence in the European Union (EU) managed by the Flemish Peace Institute (Belgium). The project aims to improve the internal security of EU Member States by expanding knowledge and expertise on illicit firearms trafficking. Within this project, the GFP works on finding solutions to the illicit trafficking in firearms and identifying opportunities for a concerted response to the problem.

In its efforts to promote the exchange of firearms-related information and knowledge sharing, the GFP works closely with Small Arms Survey (SAS), an independent research project on small arms issues from the Graduate Institute of International and Development Studies in Geneva. For instance, the GFP is part of a SAS project that supports national authorities in developing systems of national indicators on firearms that promote an efficient use of resources and development of more effective policies and operative strategies. As part of this project, the GFP contributed and co-organized a series of thematic workshops on "Strengthening National Institutions by Establishing a System of Indicators" in Niger, Burkina Faso and Burundi throughout 2019.

Recognizing the importance of cooperation with the academic community to better analyse firearms data and trends, the GFP has partnered with the Observatory of Studies on Coexistence and Citizen Security of Cordoba province (Argentina). As part of this partnership and within the framework of the Champion Country Initiative, the GFP and the Observatory organized a workshop to enhance data collection and analysis efforts of firearms trafficking. The workshop aimed to strengthen the provincial and national capacities in monitoring illicit firearms trafficking flows through the implementation of mechanisms that will also measure the indicator 16.4.2 of the Sustainable Development Goals (SDGs).

The GFP is also a member of the Steering Committee of a research project, ECOFIT (Options for Enhancing Operational Instruments in the Area of Firearms Trafficking), managed by Transcrime (Italy) and funded by the European Commission. The project aims to enhance operational cooperation between law enforcement agencies in the fight against illicit trafficking in firearms in the EU Member States and non-EU SELEC Member States (Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia and Turkey).

In addition to supporting research on transnational organized crime, UNODC offers impartial, evidence-based information to Member States, non-governmental stakeholders and societies at large to support policies against drugs and crime. In this regard, it produces statistical, laboratory, scientific and forensic science expertise that enables relevant stakeholders to collect, process, analyse and disseminate data on drugs and crime. Among the numerous entities undertaking research on drugs and crime globally, UNODC enjoys several comparative advantages, including impartiality and access to national information systems.⁴²



CASE STUDY 12

UNODC's Monitoring of Illicit Arms Flows Initiative



Data collection and analysis based on reliable evidence are essential to addressing the complex nature of the problem of illicit firearms trafficking. The efforts of UNODC in the area are being undertaken in furtherance of a double mandate: UNODC's role as co-custodian agency for SDG Indicator 16.4.2 ("Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments") as well as relevant resolutions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

To serve these purposes and enhance understanding about illicit firearms flows and their links to various forms of crime, the Global Firearms Programme (GFP) launched the **Monitoring of Illicit Arms Flows Initiative**. It aims to promote standardized data collection and analysis of firearms data. With a view to improving the data collection methodology, the GFP also developed the Illicit Arms Flows Questionnaire (IAFQ) which is used to collect detailed information related to illicit firearms trafficking from Member States. These data give a unique insight into the patterns of firearms trafficking globally, regionally and nationally, providing a vital resource for law enforcement, policymakers and public bodies seeking to reduce the damage caused by the illicit circulation of firearms. One of the products of this exercise is the publication of the **2020 Global Study on Firearms Trafficking**.

The Global Study on Firearms Trafficking (2020) is available at:
<https://www.unodc.org/unodc/en/firearms-protocol/firearms-study.html>

UNODC Research and Analysis Branch (RAB) under the Division for Policy Analysis and Public Affairs (DPA) carries out research and data collection in several areas related to transnational organized crime, including firearms, drugs and other illicit markets, wildlife crime and trafficking in persons. UNODC has also assessed the impact of organized crime particularly in its Transnational Organized Crime Threat Assessments (TOCTA). In the preparation of TOCTA reports, UNODC gathers data not only from official sources, such as national and regional authorities and international organizations, including UNODC field offices, but also from academic publications and reports by CSOs.

The credibility of UNODC’s research stems from many years of experience. Global reports such as the World Drug Report, the Global Report on Trafficking in Persons and the Global Study on Smuggling of Migrants have become solid points of reference not only within the inter-governmental policymaking process, but also in academia, civil society and the entire UN system.

UNODC’s research has also taken a pro-active role in promoting research products to different users, including relevant national institutions, research, community, media, NGOs, and the public. Most reports have been translated into other languages and have involved various stakeholders in developing and promoting research outputs. UNODC publications may be reproduced in whole or in part and in any form for educational or non-profit purposes without special permission from the copyright holder, provided acknowledgement of the source is made.

Research and analysis are often conducted by UNODC in collaboration with relevant non-governmental stakeholders. These partnerships not only help to produce more insightful evidence-based research to facilitate the general understanding of specific forms of transnational organized crime but they also produce the kind of findings that can inform policy and foster policy dialogue. Through multi-stakeholder research activities, existing measures and their effectiveness can be better assessed and implemented.



CASE STUDY 13

Using forensic science against wildlife crime

Through its Global Programme for Combating Wildlife and Forest Crime, UNODC has developed a successful partnership with *Trace Wildlife Forensics Networks*--a global international NGO that aims to promote the use of forensic science in biodiversity conservation and the investigation of wildlife crime. 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 for the development of national and regional level capacity building plans and the establishment of a network.

The African Wildlife Forensics Network, a two-year initiative led by UNODC and TRACE and supported by the UK Illegal Wildlife Trade (IWT) Challenge Fund (2015–2017), was launched in Botswana in May 2016. The network brings together wildlife forensic scientists and law enforcement stakeholders from 13 countries in West, Central, Eastern and Southern Africa. It recently developed its first set of guidelines, a “Wildlife Crime Scene Guide for First Responders,” launched in Zambia at the 5th African Wildlife Forensics Network Meeting. The guidelines provide practical step-by-step instructions to investigators on how to handle a wildlife crime scene and preserve the evidence it contains, with a view to allowing for the reconstruction of events and ensuring that perpetrators are effectively brought to justice. An accompanying training manual is now under development.

In Asia, UNODC and TRACE have piloted the use of a Portable Enforcement Laboratory for Testing Seizures (PELTS). This portable laboratory provides a rapid deployment option for fast, high quality wildlife DNA forensic testing of seized wildlife products. The PELTS project also provides training and capacity building opportunities for requesting countries. Due to the success of the PELTS project in Asia, a portable laboratory will also be set up to service African countries.



TOOL 8



Research and analysis

- All stakeholders are invited to stay informed about UNODC's research activities related to the Organized Crime Convention and its Protocols, such as illicit drug markets, wildlife crime, trafficking in persons and smuggling of migrants, corruption, firearms trafficking and other crimes.
- Academic experts are encouraged to join the implementation of the Organized Crime Convention and its Protocols by collecting data on the extent of transnational organized crime, the different forms it takes and the diverse sectors it affects. They may also consider setting up international platforms for information and data sharing and building research partnerships with UNODC.
- CSOs may consider conducting threat assessments that focus on measuring the prevalence of transnational organized crime and specific crime trends in a local community, country or region. Risk analysis of transnational organized crime may benefit the private sector too, such as by allowing businesses to determine their level of exposure to transnational organized crime in their specific sector of operation and to properly mitigate the threats.



ENTRY POINTS

Related to research and analysis

All stakeholders are invited to:

- Contribute case briefs and other materials to SHERLOC. The SHERLOC team is looking for partners to support them in collecting and summarizing case law and academic literature. Those interested in contributing to the SHERLOC database, should contact the SHERLOC team at unodc-sherloc@un.org;
- Sign up for the SHERLOC newsletter available to all subscribers for free at <https://sherloc.unodc.org/cld/v3/sherloc/> (scroll down to the bottom of the webpage)
- Stay informed about the range of research publications produced by UNODC every year by signing up to UNODC Research E-UPDATE at <https://mailchi.mp/abeac9cd67ed/unodcresearch>.

7.5. Education and training

By adopting the Doha Declaration in 2015, the United Nations Member States clearly emphasized the importance of education for the prevention of crime and corruption. To this end, UNODC launched the Global Programme for the Implementation of the Doha Declaration which includes educational activities within the Education for Justice (E4J) initiative. E4J aims to promote the rule of law through education activities designed for primary, secondary and tertiary levels. These activities are expected to help educators teach the next generation to better understand and address issues that may undermine the rule of law and encourage students to participate actively in this regard in their communities and future professions.

At the primary level, the focus of the E4J is on promoting and teaching values such as acceptance, fairness, integrity and respect to strengthen a child's ability to identify and resolve simple moral or ethical dilemmas. E4J tools and materials contribute to building resilience among children and equipping them with skills, such as conflict resolution, critical thinking, teamwork and empathy. For example, E4J developed *The Zorbs*, an educational package for children that addresses topics related to crime and justice.

These materials are available in different formats, ranging from video clips, colouring books and a comic creator tool to in-the-classroom activities and lesson plans for teachers. Additionally, E4J produced *Chuka*—a tool to address gender-based violence targeting children. This creative video game helps young girls develop ways to respond to psychological, physical and sexual violence, while raising boys' awareness and helping them recognize such situations.

At the secondary level, E4J created interactive educational materials for school educators to promote an understanding of the basic concepts that lie at the core of UNODC's mandate areas. Through these materials (e.g., board games, comic books, videos with lesson plans that can be used by teachers), E4J empowers secondary-level students with knowledge about the issues pertaining to the rule of law, thereby enabling them to promote it in their communities.



CASE STUDY 14



San Servolo: Using comics to educate for the rule of law

Comics can have a transformative power to help young learners better understand some of today's most crucial threats to justice and the rule of law and to grasp the most pressing global crime problems. With their universal visual language and ability to engage, comics offer a unique opportunity to address complex issues and enhance literacy.

E4J created *San Servolo*—a series of three comics focusing on SDG 16 (“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.

The comic series seeks to make topics such as corruption, organized crime, terrorism, human trafficking and migrant smuggling accessible and engaging for secondary level students. In *San Servolo*, these issues come together in a dystopian reality and are embedded in a unique story that is told from the point of view of two adolescents.

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

Acknowledging the importance of universities and HEIs as places where the next generation is empowered to become tomorrow’s leaders, UNODC aims to support teaching on SDG 16 and rule of law related issues at the tertiary level. E4J strongly supports the idea that bringing academics, scholars and experts together is necessary to strengthen the rule of law and support the implementation of SDG 16.

The primary effort of the E4J initiative on the tertiary level is to empower lecturers to teach on these important issues by providing them with peer-reviewed teaching material. 117 university modules and teaching guides, consisting of more than 5,000 peer-reviewed printable pages, were developed and published on topics related to SDG 16 and the rule of law, addressing the following thematic areas: integrity and ethics, anti-corruption, crime prevention and criminal justice, organized crime, cybercrime, firearms trafficking, trafficking in persons and smuggling of migrants, wildlife crime, and counter-terrorism. The modules are open-source materials and are available for free on the E4J online platform. The university modules are designed for use as a stand-alone teaching resource, or as a means of enhancing existing courses in criminology, law, political science, international relations, business, sociology, and many other disciplines.

Lecturers can adapt and use as a basis for teaching in universities and academic institutions across the world. The E4J university modules on organized crime seek to enhance students' understanding of organized crime and its implications and to provide them with the tools at our disposal in the fight against it. For more effective outcomes, the modules connect theory to practice, encourage critical thinking, and use innovative interactive teaching approaches such as experiential learning and group-based work. By focusing on the United Nations tools and definitions, the modules leave room for diverse perspectives. Lecturers can easily adapt them to different local and cultural contexts. Importantly, the tools developed for tertiary level might be relevant for CSOs to train their own staff.



E4J UNIVERSITY MODULES RELATED TO THE ORGANIZED CRIME CONVENTION AND ITS PROTOCOLS

Within the framework of the Education for Justice (E4J) initiative, UNODC together with more than 600 academics developed a series of peer-reviewed university modules related to the crimes covered by the Organized Crime Convention and the Protocols thereto and on other issues related to the rule of law. The Modules offer a careful analysis of the existing conceptual landscape and examines some of the key provisions of the Convention and other thematic areas related to the rule of law. Thereby, E4J aims to support tertiary level educators and academics in their efforts to transmit knowledge and create a deeper understanding of rule of law related issues, with a focus on the subject areas of crime prevention and criminal justice, anti-corruption, organized crime, trafficking in persons and smuggling of migrants, firearms, cybercrime, wildlife crime, counter-terrorism as well as integrity and ethics.

Open source and available for free, the E4J Module Series are available in the following topics:



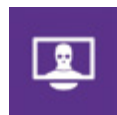
E4J University Module Series on Organized Crime



E4J University Module Series on Trafficking in Persons & Smuggling of Migrants



E4J University Module Series on Firearms Trafficking



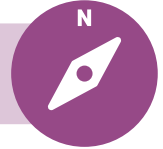
E4J University Module Series on Cybercrime



E4J University Module Series on Wildlife Crime

Further information at: <https://www.unodc.org/e4j/en/tertiary/index.html>

UNODC E4J GLOBAL E-LEARNING COURSE ON ORGANIZED CRIME



In addition to the E4J University Module Series on Organized Crime and other crimes covered by the Organized Crime Convention and its Protocols, UNODC offers a 90-minute self-paced e-Learning course on transnational organized crime that is open to the public and free of charge.

This self-paced module focuses on understanding organized crime, organized criminal groups and provisions of the Organized Crime Convention. 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

Access the course at: <https://www.unodc.org/elearning/en/courses/public.html>

The screenshot displays a video player interface for the course. The title 'Learning objectives' is at the top. Below it, the text reads 'At the end of this course, you will be able to:'. A list of six objectives follows, each with a red square icon containing a white number. The background of the video player shows a close-up of a wooden gavel resting on a blue globe, with two hands shaking in front of it. At the bottom left of the video player, there are navigation icons and the text 'TRANSNATIONAL ORGANIZED CRIME'. A red progress bar is visible at the very bottom of the player.

Learning objectives

At the end of this course, you will be able to:

- 01 Conceptualize organized crime and its activities
- 02 Outline the main provisions of the Organized Crime Convention and related international instruments
- 03 Understand the crime of participation in an organized criminal group, including conspiracy and criminal association
- 04 Identify the profit-making centers of organized criminal groups
- 05 Explain how organized criminal groups infiltrate business and governments
- 06 Understand some of the principal tools to investigate and prosecute organized crime as well as to cooperate internationally

TRANSNATIONAL ORGANIZED CRIME

UNODC works to strengthen the capacity and engagement of non-governmental stakeholders, particularly civil society, by delivering trainings to CSOs on UNTOC, its Protocols and the Review Mechanism. UNODC also supports the engagement of civil society in intergovernmental meetings and provides the necessary tools to them to work constructively with their governments and the private sector.



CASE STUDY 15

UNODC CST's stakeholder engagement for UNTOC (SE4U) workshops

Through project “Stakeholder Engagement for the United Nations Convention against Transnational Organized Crime (SE4U), Its Review Mechanism and Related Activities,” the UNODC Civil Society Team (CST) organizes a series of dedicated workshops, entitled Stakeholder Engagement for UNTOC (SE4U). They aim to prepare NGOs, academics and the private sector to support Member States in the successful implementation of UNTOC and to facilitate their broad and inclusive participation in the Review Mechanism in line with resolution 9/1.

During these workshops, CST introduces stakeholders to the Organized Crime Convention, the Protocols thereto and the Review Mechanism, shares information about how stakeholders can participate constructively in the review process and what entry points are available to them for this purpose. Stakeholders also discuss possible areas for actions at the national and regional levels that contribute to the prevention of and response to transnational organized crime.



CASE STUDY 16

Regional expert group meetings dedicated to countering trafficking in persons

Through a collaborative project, entitled “Public-Private Partnership: Fostering Engagement with the Private Sector on the Implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and Its Trafficking in Persons Protocol,” UNODC’s Civil Society Team (CST) in partnership with Human Trafficking and Migrant Smuggling Section (HTMSS) will organize a series of regional expert group meetings (REGMs).

These meetings are expected to improve effective partnerships between government agencies and private businesses. Their objective is to facilitate the implementation of the Organized Crime Convention and the Trafficking in Persons Protocol. CST and HTMSS plan to conduct a desk review of existing resources, hold regional consultations with leading public and private sector stakeholders in the Americas, Africa and Asia and publish a compendium of promising practices on the engagement of public-private partnerships in preventing and combating trafficking in persons.



CASE STUDY 17

Expert workshop dedicated to the E4J University Level Module Series on Firearms

In cooperation with the Political Science Faculty of University of Zagreb (Croatia), UNODC Global Firearms Programme organized an Expert Workshop dedicated to the Education for Justice (E4J) University Level Module Series on Firearms, held from 24 to 25 September 2019.

Over 20 academics from across the Western Balkans region, representing six universities, in addition to military and police academies and other security bodies, participated in the workshop. They represented a wide array of specializations including law, sociology, security studies, military affairs, police education and political science.

The purpose of the workshop was ensuring that participants experience the E4J Firearms Modules as students and see how they could be incorporated into their own academic curriculum, either in the firearms stream or other streams, of their own institutions. The enthusiasm among the participating academics was tangible, and they could see many opportunities for some level of adoption in their own teaching material. For example, one of the modules of the University of Northampton's new LL.M. in Transnational Rights and Security is based on the E4J Firearms modules, showcasing the potential of this educational material for other academic institutions.

The E4J University Level Module Series on Firearms can be visited at:

<https://www.unodc.org/e4j/en/tertiary/firearms.html>



ENTRY POINTS

All stakeholders are invited to:

- The Global E-Learning Course on Organized Crime may be a good starting point for all stakeholders interested in the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism.
- Educators interested in using the E4J Module Series in teaching students or the general public about transnational organized crime and the implementation of the Organized Crime Convention and its Protocols are recommended to register on the E4J website to join a networking platform that can enable them to connect with each other and with the E4J team. **Register at:** <https://www.unodc.org/e4j/en/network.html>

TOOL 9



Education and training

- The SHERLOC Case Law Database that documents crime-specific and cross-cutting cases can be used by all stakeholders to educate themselves and disseminate knowledge about the risks posed by transnational organized crime and some possible responses to it, including the implementation of the Organized Crime Convention and its Protocols.
- Educators are invited to expand their curricula by building, wholly or partially, on the E4J University Module Series on topics related to the Organized Crime Convention and its supplementing Protocols. They may also be interested in incorporating UNODC research publications as instructional materials and in creating personal blogs to share scholarly research with the general public in an accessible and engaging format. Educators may also consider developing dedicated training sessions for local communities and businesses on topics of the Organized Crime Convention and its Protocols.
- The private sector may benefit from integrating E4J Modules into their training programmes for managers and employees in order to help them acquire some basic knowledge of these crimes. Businesses may also consider drawing on UNODC publications for this purpose.



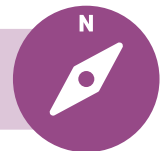
7.6. Multi-stakeholder partnerships

Forging multi-stakeholder partnerships for the purpose of implementation of the Organized Crime Convention and its Protocols is another important tool. Its essence is the creation of collaborative arrangements among different stakeholders that could help achieve better implementation results and more accurately reflect the set of guiding principles of the Review Mechanism as outlined in resolution 9/1.

Non-governmental stakeholders, particularly CSOs, play an important role in forming networks and mobilizing people. They can help to align government reforms and initiatives with the best interest of the people. A growing trend in cooperation between CSOs and their governments has been concluding cooperation agreements or memoranda of understanding (MoUs). This is considered useful in terms of clarifying expectations on both sides and ensuring predictability in engagement and output.

UNODC facilitates multi-stakeholder partnerships at the international level to improve policy coherence and consequently the effectiveness of international, regional and national efforts to combat transnational organized crime.

MODEL MEMORANDUM OF UNDERSTANDING (MOU)



Partners

Partners to the memorandum of understanding should be identified. Cooperation is enhanced where partners (e.g. special anti-trafficking units within the police force, specialized non-governmental organizations) are identified.

Defining purpose

The basic principles and the purpose of cooperation should be clarified.

Principles of cooperation

A key principle is agreement on a cooperative approach to combating trafficking in persons.

Target group

Specifying the precise target group to benefit from the memorandum of understanding will contribute to successful referral of trafficking victims. Criteria and means of identification can be based on the Trafficking in Persons Protocol.

Mutual communication of information

Parties to the memorandum of understanding should agree to treat the presumed trafficked person's personal data as confidential.

Entry into force and amendment

The memorandum of understanding comes into effect when all relevant Parties have signed, and should be amended only on the basis of mutual consultation.

Detailed definition of different responsibilities

The definition of the different responsibilities of all partners goes hand in hand with transparent cooperation between governmental and non-governmental organizations.

Source:

https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_2-12.pdf



CASE STUDY 18

UNODC and Crime Stoppers International cement efforts to tackle organized crime in the Americas by signing a memorandum of understanding

Crime Stoppers International (CSI) maintains strategic partnerships with key global organizations such as the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime (UNODC). A cooperation agreement was signed with INTERPOL in 2010, and a Memorandum of Understanding was signed with UNODC in 2016.

MOU's have also been established with other global NGOs, such as the International Police Training Institute and Airline Ambassadors International, in 2015 along with a formal collaboration agreement with the CNN Freedom Project. CSI, through its affiliated regional programmes maintains strategic relationships with the Australia Federal Police (AFP), the Royal Canadian Mounted Police (RCMP), the South African Police Service (SAPS) and the Royal Netherlands Marechaussee. In June 2018, it entered a partnership agreement with Digital Ally, a US-based organization which develops, manufactures and markets advanced video surveillance products for law enforcement, homeland security and commercial applications.

At the opening ceremony, Gillian Murray, former UNODC Deputy Director for the Division of Policy Analysis and Public Affairs, pointed out that "UNODC and CSI share many common concerns, including the breakdown of Rule of Law as well as weak institutions, which leads to increased vulnerability of at-risk populations in the areas of public health, social and economic development, and citizen security."

Further information at: <https://www.unodc.org/unodc/en/frontpage/2017/October/unodc-and-crime-stoppers-international-cement-efforts-to-tackle-organized-crime-in-the-americas.html> and <https://csiworld.org/about-us>



CASE STUDY 19

ObservaLaTRATA: UNODC's HTMSS helping to synergize civil society and academic against trafficking in persons and migrant smuggling

Since 2013, HTMSS has enhanced its cooperation with civil society organizations and academia supporting the work of the Latin-American Observatory on Human Trafficking and Migrant Smuggling named OBSERVALATRATA 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 crimes of trafficking in persons and migrant smuggling within the region comprising 76 civil society organizations, 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.

Further information at: <http://observalatrata.com/>



CASE STUDY 20

Engaging the private sector in the Container Control Programme (CCP)

The incredible volume of containers travelling the seas from country to country and continent to continent, make them important targets for actors in the illicit trade. In this context, the United Nations Office on Drugs and Crime and the World Customs Organization (WCO) have developed the UNODC-WCO Container Control Programme (CCP). It has a global reach and aims to fortify the structures and processes which allow for the application of sustainable laws for States and selected ports, so as to minimize and prevent the abuse of legitimate commercial trade for transnational organized crime activities.

While facilitating cooperation in the fight against crime amongst States and international agencies involved in the regulation of container traffic, the CCP maintains strategic alliances which include customs, the police, maritime institutions and the private sector.

Further information is available at:

<https://www.unodc.org/unodc/en/ccp/ccp-latest-reports.html>



TOOL 10

Multi-stakeholder partnerships

- All stakeholders should consider proposing and committing to informal and formal partnerships with relevant stakeholders, including UNODC and its various substantive bodies, in order to broaden collective action against transnational organized crime.
- CSOs are invited to organize targeted awareness campaigns in order to stimulate partnerships with the private sector. Businesses are influential allies for effecting change with industry-specific expertise. They can also generate financial resources that are needed for the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism. By working with other stakeholders, the private sector can improve their public image and become more empowered to respond to the risks posed by transnational organized crime in their supply chains.
- In their mission to create and disseminate knowledge, academic experts and researchers can capitalize on the grassroots experience of CSOs to inform their expertise and facilitate research related to the implementation of the Organized Crime Convention and its Protocols. Cooperation between universities and the private sector is important in mobilizing intellectual and financial resources needed for innovative solutions.

ENTRY POINTS



Related to building multi-stakeholder partnerships

- UNODC is well-suited to initiate multi-stakeholder partnerships. This includes reaching out to CSOs, academia and the private sector, among other relevant stakeholders. Such networking could be part of sessions of the COP-UNTOC or other relevant fora, such as the United Nations Congress on Crime Prevention and Criminal Justice and the Commission on Crime Prevention and Criminal Justice (CCPCJ).
- UNODC invites all stakeholders to submit information about their organizations to WhatsOn, a knowledge hub for exchanging experiences and best practices powered by SHERLOC. Doing so will empower UNODC to liaison different stakeholders into multi-stakeholder partnerships.

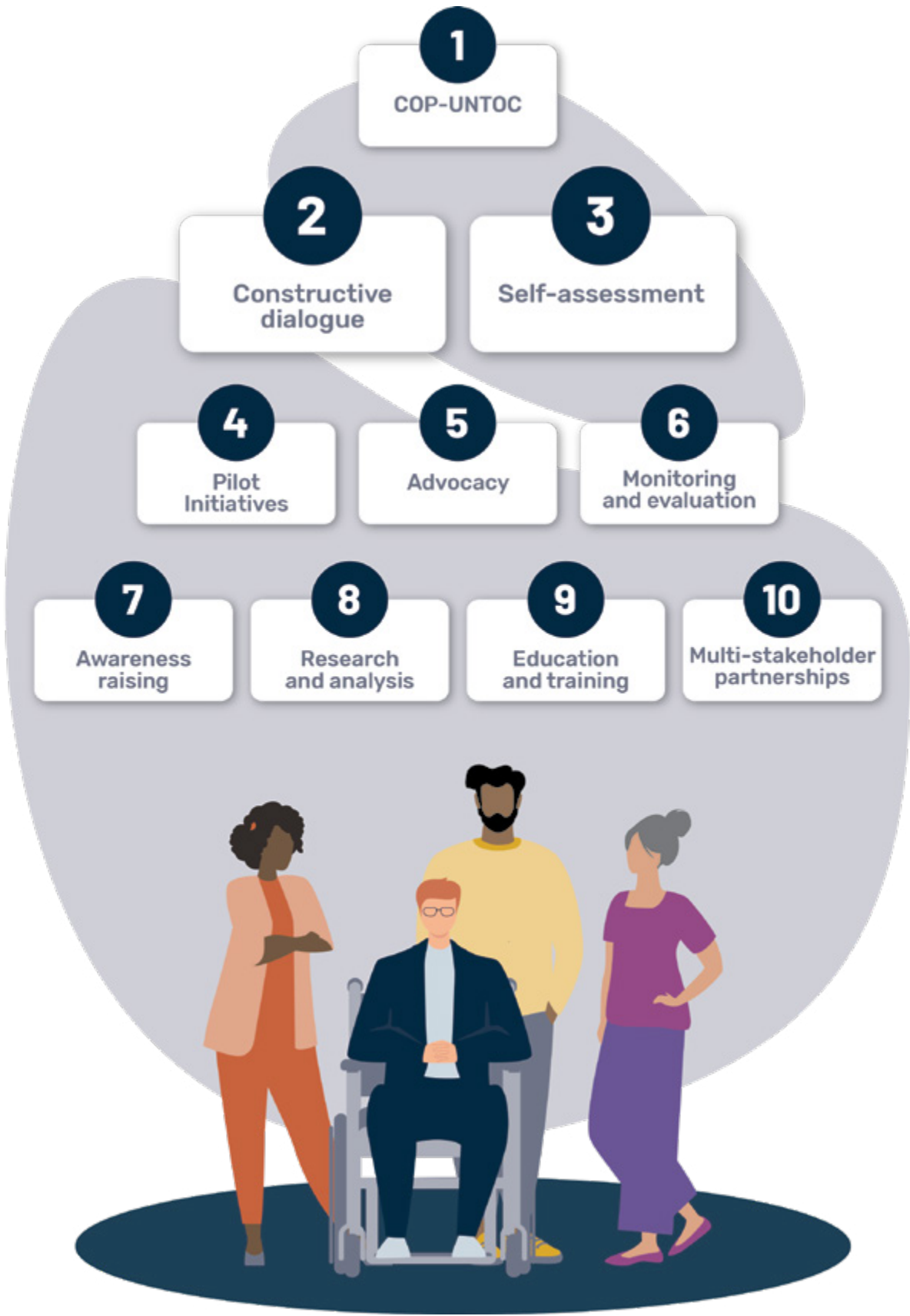
Conclusion

Transnational organized crime is a global challenge. The multidimensional threats it poses to societies and the international community call for national, regional and international responses provided for in the United Nations Convention against Transnational Organized Crime and the Protocols thereto. The implementation of these instruments is likely to succeed only if it is driven by the principle of shared responsibility of a wide range of stakeholders, including civil society, academia and the private sector.

This Toolkit outlined the main tools and entry points available to non-governmental stakeholders to facilitate their comprehensive and systematic participation in and contribution to the implementation of the Organized Crime Convention, the Protocols thereto and the Review Mechanism. **To recap, these tools are:**

- 1 COP-UNTOC:** Presence at the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.
- 2 Constructive dialogue:** Participation in constructive dialogues with Member States at the conclusion of the Working Groups' sessions.
- 3 Self-assessment:** Consultation at the national level through the preparation of self-assessment questionnaires as part of the Review Mechanism.
- 4 Pilot Initiatives:** Providing space for meaningful discussion between relevant national authorities and non-governmental stakeholders at the country level.
- 5 Advocacy:** Advocating for the implementation the Organized Crime Convention, the Protocols thereto and the Review Mechanism.
- 6 Monitoring and evaluation:** Supporting States Parties and other actors in the decision-making and review processes through monitoring and evaluation.
- 7 Awareness-raising:** Generating demand across society in support of measures against transnational organized crime, including those required and recommended by the Organized Crime Convention and its Protocols.
- 8 Research and analysis:** Providing information on and analysis of emerging trends; Preparation of parallel reports and initiatives to foster broad-based public participation in the country review process.
- 9 Education and training:** Advancing responses to organized crime through education and training.
- 10 Multi-stakeholder partnerships:** Developing working relationships with other stakeholders with the aim to successfully implement the Organized Crime Convention, the Protocols thereto and the Review Mechanism.

As custodian of the Organized Crime Convention and its Protocols, UNODC helps to coordinate these responses, facilitates multi-stakeholder engagement and constructive dialogue, as well as promotes the implementation of these instruments. These efforts are consistent with, and indeed contribute to, the wider efforts of the United Nations towards peace, security and sustainable development envisaged under the 2030 Agenda for Sustainable Development.



FOOTNOTES

INTRODUCTION

- 1 | Remarks to the United Nations General Assembly on the Secretary-General's priorities for 2020.
Available at: <https://www.un.org/sg/en/content/sg/speeches/2020-01-22/remarks-general-assembly-priorities-for-2020>
- 2 | 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." 9th session of the COP-UNTOC, Vienna, 2018.
Available at: <https://www.unodc.org/documents/treaties/UNTOC/Review%20Mechanism/Resolution/English.pdf>
- 3 | UNODC Civil Society Team. Leaflet "Looking Beyond: Towards a Stronger Partnership with Civil Society Organizations on Drugs and Crime."
Available at: https://www.unodc.org/documents/NGO/New_Leaflet_Looking_Beyond.pdf
- 4 | Fighting Transnational Organized Crime Together: UNODC Launches Project on Multi-stakeholder Engagement in UNTOC Review process.
Available at: https://www.unodc.org/unodc/en/frontpage/2019/October/fighting-transnational-organized-crime-together_-unodc-launches-project-on-multi-stakeholder-engagement-in-the-untoc-review-process.html
- 5 | UNODC (n.d.). Emerging crimes.
Available at: <https://www.unodc.org/unodc/en/organized-crime/intro/emerging-crimes.html>

PART 1

Transnational organized crime in the 2030 UN Agenda for Sustainable Development

- 6 | Sustainable Development Goals: Knowledge Platform.
Available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>
- 7 | Check the Millennium Development Goals and Beyond 2015 at: <https://www.un.org/millenniumgoals>
- 8 | Transforming Our World: The 2030 Agenda for Sustainable Development.
Available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld/publication>
- 9 | Ten years to transform our world.
<https://www.un.org/sustainabledevelopment/decade-of-action/>
- 10 | UNODC and the Sustainable Development Goals.
Available at: <https://unstats.un.org/sdgs/files/report/2018/TheSustainableDevelopmentGoalsReport2018-EN.pdf>
- 11 | This indicator looks at the "Proportion of Seized, Found or Surrendered Arms Whose Illicit Origin or Context Has Been Traced or Established by a Competent Authority in Line with International Instruments" (see A/RES/71/313 entitled "Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development").
- 12 | UNODC (2018, 17-18 July). Monitoring illicit arms flows and the Sustainable Development Goals: Regional Meeting for South East European, Eastern European and Neighbouring Member States.
Available at: https://www.unodc.org/unodc/en/firearms-protocol/news/monitoring-illicit-arms-flows-and-the-sustainable-development-goals_-regional-meeting-for-south-east-european--eastern-european-and-neighbouring-member-states.html

- 13 | UNODC (n.d.). Partners for development.
Available at: <https://www.unodc.org/unodc/en/donors/partners.html>

PART 2

Key concepts

- 14 | ECOSOC (2018). Working with ECOSOC: An NGO Guide to Consultative Status.
Available at: http://csonet.org/content/documents/ECOSOC%20Brochure_2018_Web.pdf
- 15 | UNODC (2019). Civil Society for Development: Opportunities through the United Nations Convention against Corruption.
Available at: https://www.unodc.org/documents/NGO/Fast-tracking/18-06316_eBook.pdf
- 16 | UNODC CST. Our Main Civil Society Partners.
Available at: <https://www.unodc.org/unodc/en/ngos/Civil-Society-partners.html>
- 17 | The 14th UN Crime Congress scheduled to take place in Kyoto, Japan, on 20–27 April 2020, was postponed due to the COVID–19 outbreak.
- 18 | The Doha Declaration, article 7.
Available at: https://www.unodc.org/documents/congress//Declaration/V1504151_English.pdf
- 19 | Education for Justice (E4J) initiative.
Available at: <https://www.unodc.org/e4j/en/index.html>
- 20 | UNDP SDG Impact Practice Assurance Standards for Private Equity.
Available at: <https://sdgimpact.undp.org/practice-standards.html>

PART 3

Introduction to the organized crime convention

- 21 | Countries must become Parties to the Convention itself before they can become Parties to any of the Protocols.
- 22 | UNTOC: Status of Ratification.
Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en
- 23 | The *transnational element* is defined in article 3(2). It means that an offense is transnational when it is committed in more than one State, committed only in one State but substantially prepared, planned, directed or controlled in another, committed in one State with the involvement of an organized criminal group that engages in criminal activities in multiple States, or committed in one State but substantially affecting another State.
Available at: https://www.unodc.org/documents/NGO/New_Leaflet_Looking_Beyond.pdf
- 24 | The Protocol offence of smuggling of migrants, however, is by definition *transnational* in nature.
- 25 | Vlassis, D. (2001). *Overview of the Provisions of the United Nations Convention against Transnational Organized Crime and its Protocols*. The United Nations Asia and Far East Institute.
Available at: https://www.unafei.or.jp/publications/pdf/RS_No59/No59_32VE_Vlassis1.pdf

- 26 | The issue of corruption is dealt with in detail in the United Nations Convention against Corruption (UNCAC) signed on 9 December 2003. This Convention is a comprehensive legally binding anti-corruption instrument. Its far-reaching approach and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to corruption.
- 27 | 4th session Vienna, 8-17 October 2008, Item 2 (b) of the provisional agenda. "Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Expert consultation on criminalization" (CTOC/COP/2008/4).
Available at: https://www.unodc.org/documents/treaties/organized_crime/COP4/CTOC_COP_2008_4_E_20_aug.pdf
- 28 | 4th session Vienna, 8-17 October 2008. Decision 4/2 "Implementation of the provisions on international cooperation of the United Nations Convention against Transnational Organized Crime."
Available at: https://www.unodc.org/documents/organized-crime/COP_4_Resolutions/Decision_4_2.pdf
- 29 | 5th session Vienna, 18-22 October 2010, Item 5 of the provisional agenda. "Expert consultation on the use of the Convention for combating emerging forms of crime" (CTOC/COP/2010/3).
Available at: https://www.unodc.org/documents/treaties/organized_crime/COP5/CTOC_COP_2010_3/CTOC_COP_2010_3_E.pdf
- 30 | In this Report it was noted that "most of the so-called 'emerging' crimes were not necessarily new phenomena but, rather, were known offences that were becoming increasingly evident" (para. 123).
- 31 | 5th session Vienna, 18-22 October 2010. "Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime" (CTOC/COP/2010/17).
Available at: https://www.unodc.org/documents/treaties/organized_crime/COP5/CTOC_COP_2010_17/CTOC_COP_2010_17_E.pdf

PART 4

The protocols to the organized crime convention

- 32 | Trafficking in Persons Protocol: Status of Ratification.
Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en
- 33 | Smuggling of Migrants Protocol: Status of Ratification.
Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&clang=_en
- 34 | The fundamental principle of customary international law should be understood as the practice of not forcing refugees or asylum seekers to return to a country in which they could be subjected to persecution on account of race, religion, nationality, membership of a particular social group or political opinion. It is described in Article 33 of the 1951 Convention Relating to the Status of Refugees.
- 35 | Firearms Protocol: Status of Ratification.
Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en
- 36 | 9th session of the COP-UNTOC (2018), Resolution 9/2, "Enhancing and ensuring the effective implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime."
Available at: https://www.unodc.org/documents/treaties/Resolutions_and_Decisions/COP9/Resolution_9-2.pdf

PART 5

The implementation of the organized crime convention & the protocols thereto

- 37 | Rules of Procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.
Available at: https://www.unodc.org/documents/treaties/Rules_of_Procedure_corr/15-00000_E_book.pdf
- 38 | Conference Support Section of the Organized Crime Branch.
Available at: https://www.unodc.org/documents/organized-crime/Brochures/OCB_CSS-Brochure_final.pdf
- 39 | The CAN Directory also handles requests under the 1988 United Nations Drugs Convention.

PART 6

The review mechanism

- 40 | Full text of COP-UNTOC resolution 9/1.
Available at: <https://www.unodc.org/documents/treaties/UNTOC/Review%20Mechanism/Resolution/English.pdf>
- 41 | 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.

PART 7

Tools for engagement of non-governmental stakeholders in the implementation of the organized crime convention, the protocols thereto and the review mechanism

- 42 | UNODC Thematic Programme on Research, Trend Analysis and Forensics 2015-2016.
Available at: https://www.unodc.org/documents/data-and-analysis/Thematic_Programme.pdf



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