



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

Distr.: General
29 July 2019

Original: English

Intergovernmental expert group established in accordance with Conference resolution 9/1

Vienna, 9–11 October 2019

Item 2 of the provisional agenda*

**Consideration of the guidelines for conducting the
country reviews and of the blueprint for the lists of
observations emanating from the country reviews**

Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: draft guidelines for conducting the country reviews and blueprints for the lists of observations and the summaries

Note by the Secretariat

In its resolution 9/1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime requested the Secretariat to support the process of facilitating the work of the open-ended intergovernmental expert group, including by preparing a draft of the guidelines and the blueprints for consideration by the group. In accordance with that request, the Secretariat prepared a draft of the guidelines and the blueprints, which has been the subject of informal consultations among Member States, led by the Chair of the intergovernmental expert group. The draft guidelines and blueprints set out below reflect the outcome of those consultations.

* CTOC/COP/WG.10/2019/1.



Guidelines for conducting the country reviews

1. During the country reviews, States parties, including their governmental experts, and the secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime are to be guided by the relevant provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and 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 (Conference of the Parties resolution 9/1, annex). Appropriate arrangements should reflect the specific nature and extent of competences of regional organizations that are parties to the Convention and its Protocols.
2. In order to facilitate the efficiency of the Implementation Review Mechanism, States parties and the Secretariat are to use their best efforts to adhere to the indicative timelines contained in the paragraphs and figure below.

I. Beginning of the review process

3. At the beginning of the review process, no later than six weeks after its launch on 16 October 2020, after the tenth session of the Conference of the Parties, a joint intersessional meeting of the working groups shall be held, without interpretation, to draw lots to select the States under review and reviewing States, in accordance with paragraphs 17 and 28 of the procedures and rules for the functioning of the Mechanism.
4. In accordance with paragraph 17 of the procedures and rules, all States are to be divided into three groups to start their reviews. The reviews in the first review phase are to be staggered over three consecutive years, with their start dates as follows: 1 December 2020 for the first group, 1 November 2021 for the second group and 1 November 2022 for the third group.
5. Each State party shall appoint a focal point to coordinate its participation in the review and make this information available on the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal two weeks after the start of its participation in the review process as a reviewing State or a State party under review. States parties are encouraged to provide their focal points' contact information, including email address, office phone number and location and hours of work.
6. States parties should designate governmental experts to carry out the country review four weeks after the start of their participation in the review process as a reviewing State or a State party under review.
7. The Secretariat will provide instructions to States parties on how their focal points, governmental experts and permanent missions can create an account in the secure module of SHERLOC.

II. Preparation by governmental experts

8. The governmental experts are encouraged to prepare themselves by:
 - (a) Thoroughly studying the Convention and the relevant Protocols, as well as 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 and the present guidelines for conducting the country reviews;
 - (b) Familiarizing themselves with the official records of the negotiation of the Convention and the relevant Protocols, particularly those parts pertaining to the articles that are the subject of the relevant review phase. The Secretariat will make

available on the web page of the Implementation Review Mechanism and on the secure module of SHERLOC a list of useful publications and tools¹ to support governmental experts in the review process;

(c) Familiarizing themselves with the legal system of the State party under review, including, where applicable, relevant judicial decisions issued by higher national courts of that State. For this purpose, the governmental experts conducting the review may seek support from the State party under review in enhancing their understanding of the legal system of that State;

(d) Familiarizing themselves with any reservation to or declaration on the Convention and its Protocols formulated by the State party under review.

III. Country review

9. Bearing in mind the full text of the relevant questionnaires on the Convention and its three Protocols, during each of the four review phases, as described in the procedures and rules, the State party under review will provide responses to the part of the self-assessment questionnaire pertaining to the cluster being reviewed in that specific phase.

10. Each phase of the country review will comprise the elements contained in the procedures and rules, including: (a) the responses to the relevant part of the self-assessment questionnaire; (b) the written feedback (in the drafting of which States parties are encouraged not to exceed 10,500 words), prepared by the reviewing States, and the constructive dialogue between governmental experts in accordance with paragraph 35 of the procedures and rules; and (c) the preparation and finalization of the lists of observations by the reviewing States parties, in close collaboration and coordination with the State party under review and with the assistance of the Secretariat, as well as summaries of those lists, in accordance with paragraph 38 of the procedures and rules.

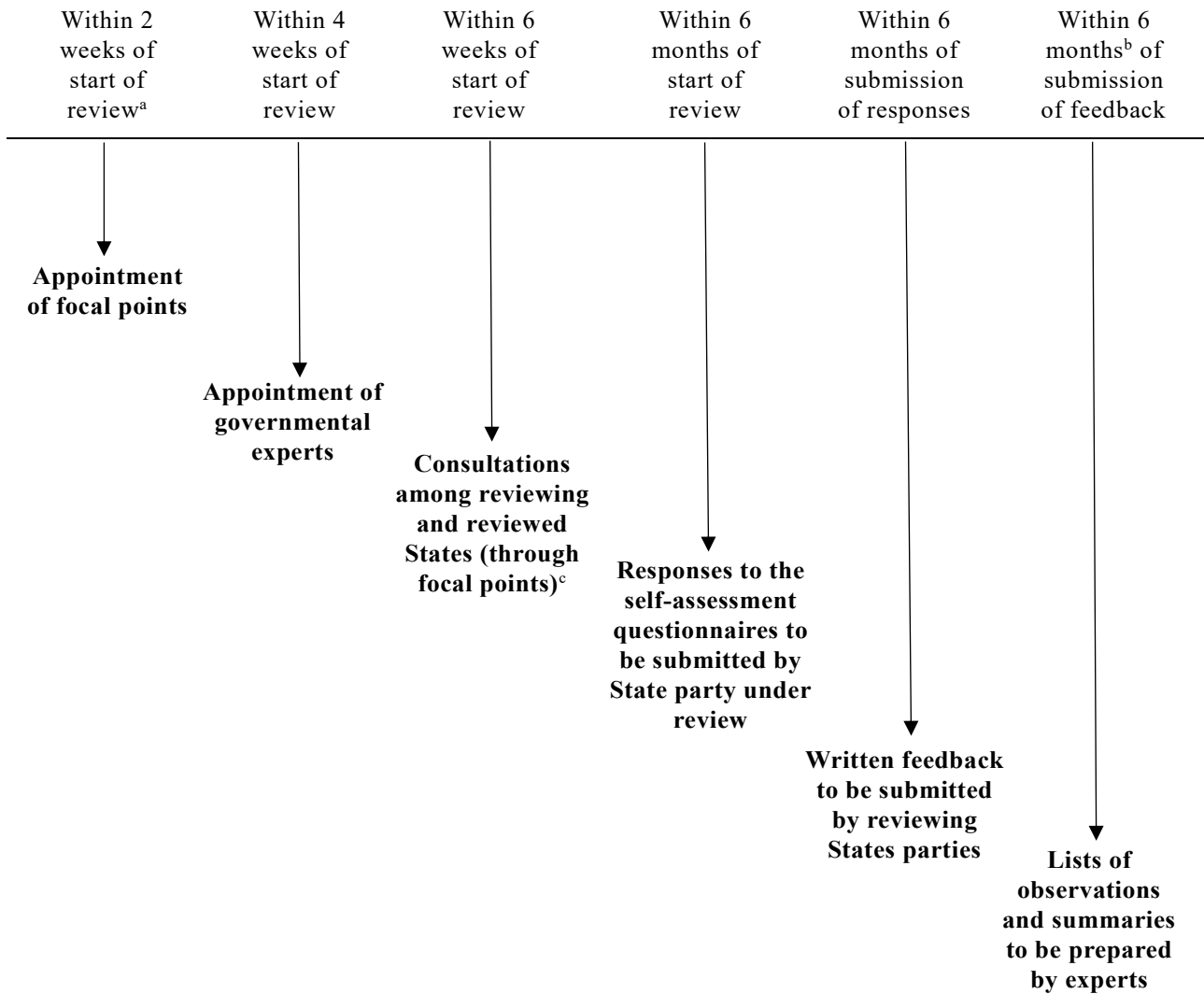
11. The State party under review is to undertake consultations with the reviewing States parties within six weeks of the start of its review, through their focal points and with the assistance of the Secretariat, on the establishment of time frames and the requirements of the country review, in accordance with the present guidelines for conducting the country reviews. The States parties should select the one, two or, in exceptional circumstances, three working language or languages to be used during the review, in accordance with chapter VII of the procedures and rules.

12. When preparing the lists of observations and the summaries thereof, objective and impersonal language will aid understanding. Any abbreviations and acronyms are to be defined upon their first use.

13. If there are grounds for believing that the principles set forth in the procedures and rules have not been respected, the States parties concerned are encouraged to engage in consultations, including on possible action, bearing in mind the provision contained in paragraph 30 of the procedures and rules.

¹ The list will include the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*.

Timeline of a review process



^a The drawing of lots for all States parties will take place no later than six weeks after 16 October 2020; each year, one third of the States parties will be reviewed. The reviews are to be staggered over three consecutive years, with the start date for each group as follows: 1 December 2020, 1 November 2021 and 1 November 2022.

^b To allow for processing of documentation.

^c The country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. In exceptional circumstances, the review process may be conducted in three working languages.

Blueprint for the list of observations for country reviews²

Review by [names of reviewing States parties] of the implementation by [name of State party under review] of article[s] [number(s) of articles; cluster one/two/three/four] of the [United Nations Convention against Transnational Organized Crime] [Protocol supplementing the United Nations Convention against Transnational Organized Crime] in years [...] of review phase [one/two/three/four] of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established in accordance with article 32 of the Convention to, inter alia, promote and review the implementation of the Convention and the Protocols thereto.
2. In accordance with article 32, paragraph 4, of the Convention, the Conference established, at its ninth session, held in Vienna from 15 to 19 October 2018, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
3. The Implementation Review Mechanism is an intergovernmental process, the overall goal of which is to assist States parties in implementing the Convention and the Protocols thereto.
4. The country review is undertaken on the basis of articles 32 and 34 of the Convention, as well as 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 (Conference of the Parties resolution 9/1, annex).

II. Process

5. The following review of the implementation by [name of State party under review] of [the Convention] [Protocol supplementing the Convention] is based on the completed responses to the self-assessment questionnaire received from [name of State party under review] and any supplementary information provided in accordance with paragraph 19 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, as well as the outcome of the constructive dialogue between the governmental experts from [States parties participating in the review], as foreseen in paragraph 35 of the procedures and rules, by means of [communications archived in the designated confidential module in the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal and other available technological tools, such as virtual networks, conference calls and videoconferences,] and involving [names of experts involved]. The supplementary information provided by the State party under review consisted of the following: [links to reports and relevant pages and titles of other sources]. Those links and electronic copies of those sources are to be made available on SHERLOC.

² Prepared in accordance with paragraph 15 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.

III. List of observations for the review of [name of the State party under review]

6. As described in paragraphs 38 and 39 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, the State party under review and the reviewing States parties have agreed on the following list of observations regarding the review of [name of State party under review]:

- (a) Gaps and challenges in the implementation of the provisions under review;
- (b) Best practices;
- (c) Suggestions;
- (d) Any technical assistance needs identified to improve the implementation of the [Convention] [Protocol].

Blueprint for the summary of the list of observations for the review of [State party under review]³

I. Ratification of the [Convention] [Protocol]

1. [Name of State party under review] deposited its instrument of ratification with the Secretary-General on [date].

II. Implementation of the articles of the [Convention] [Protocol] under review

Articles [numbers of articles]

Observations

- A. [Observations of the governmental experts with regard to gaps and challenges in the implementation of the articles under review.]
- B. [Observations of the governmental experts with regard to best practices in the implementation of the articles under review.]
- C. [Suggestions identified by the governmental experts to improve the implementation of the articles under review.]
- D. [Technical assistance needs identified by the governmental experts to improve the implementation of the articles under review, where applicable.]

³ Prepared in accordance with paragraph 15 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. The summaries of the lists of observations are not to exceed 1,500 words in length.