



UNODC

United Nations Office on Drugs and Crime



UNTOC

REVIEW
MECHANISM

COMPILATION

OF **RECOMMENDATIONS** ON THE
UNTOC REVIEW MECHANISM MADE BY
THE UNTOC COP WORKING GROUPS
AND OF **OBSERVATIONS** BY THE
CHAIRS OF THE CONSTRUCTIVE
DIALOGUES ON THE UNTOC AND
PROTOCOLS' REVIEW PROCESS

Vienna, September 2024

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Guidance for Readers

This publication is composed by two parts:

Part A: compiling all recommendations related to the Mechanism for the Review of the Implementation of the UN Convention against Transnational Organized Crime (hereinafter: UNTOC Review Mechanism), made to date by the Working Groups of the Conference of the Parties to the UN Convention against Transnational Organized Crime. *This publication only collects the English version of the recommendations resulting from the negotiations at the Working Groups meetings. Versions of the recommendation in the other UN official languages are available via the hyperlinks provided per each meeting's report.*

Part B: compiling all observations by the Chair (or Co-Chairs as applicable) emanating from the discussions held at the Constructive Dialogues on the UNTOC and Protocols' review process, organized pursuant to paragraph 53 of the Procedures and Rules for the Functioning of the UNTOC Review Mechanism. *This publication only collects the English version of the observations which is the only language version resulting from the Constructive Dialogues.*

The publication is intended as:

- 1) A practical tool to support the negotiation process of recommendations related to the UNTOC Review Mechanism in all relevant meeting bodies.
- 2) A reference for the continued deepening of the discussions at the Constructive Dialogues, and for the progressive refining of the related observations by the Chairs of the various meetings.
- 3) An easy tool to capture the progress and discussions taking place as the review process advances.

This publication is a compilation of the recommendations related to the UNTOC Review Mechanism made by the UNTOC COP Working Groups, the text of which is negotiated during the related meetings, that bear official standing as outcomes of an intergovernmental process; and the observations by the Chair (or Co-Chairs, as applicable) emanating from the discussions held at the Constructive Dialogues, the text of which is captured by the Secretariat and included by the Chair (or Co-Chairs) of the various meetings in their report, without being subject to negotiations.

This compilation is intended as a living document and will be updated by the Secretariat following each meeting of the UNTOC COP Working Groups and the related Constructive Dialogues.



Background on the UNTOC Review Mechanism

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC COP) established, at its ninth session held on 15-19 October 2018, a review mechanism for the implementation of UNTOC and its Protocols by adopting [resolution 9/1](#) entitled “*Establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*” to which the [Procedures and Rules for the Functioning of the Mechanism for the Review of the Implementation of the UNTOC and the Protocols thereto](#) was annexed.

After two years of preparation, the Conference adopted, at its tenth session held in Vienna from 12 to 16 October 2020, [resolution 10/1](#) entitled “*Launch of the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*”. In this resolution, the Conference *inter alia* adopted the [self-assessment questionnaires](#) for the review of the implementation of the Convention and the Protocols thereto, the [guidelines](#) for conducting the country reviews and the [blueprints](#) for the lists of observations and their summaries, and launched the first phase of the review process in accordance with the thematic clusters of UNTOC and the Protocols identified in the multi-year workplan of the Mechanism appended to the Procedures and Rules of the Mechanism.

The UNTOC Review Mechanism is a peer review process supporting States parties to the Convention and the Protocols in the effective implementation of these instruments, as well as helping States parties to identify and substantiate specific needs for technical assistance and promoting international cooperation.

In accordance with paragraph 53 of the [Procedures and Rules for the Functioning of the UNTOC Review Mechanism](#), Constructive Dialogues with relevant stakeholders, including non-governmental organizations, will be convened following the conclusion of the Working Groups of the Conference of the Parties to promote fruitful engagement in the review process.

The objectives of the Constructive Dialogues include:

- A. Briefing participants on the development and outcomes of the review process;
- B. Collecting inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention and the Protocols thereto and on their activities related to meeting technical assistance needs;
- C. Cooperating with non-governmental organizations to combat transnational organized crime.

The Constructive Dialogues are conducted by the Chair of the respective Working Group, assisted by the Secretariat, in English without interpretation. The dialogues are open to States parties and signatories, non-signatories, entities, intergovernmental organizations and relevant stakeholders, including non-governmental organizations, representatives of academia and the private sector. A written summary of the discussions is prepared by the Chair of the Working Group and is made available to the Working Group at its next meeting.



A. Recommendations by the UNTOC COP Working Groups on matters pertaining to the UNTOC Review Mechanism



2022

Working Group on Trafficking in Persons ([CTOC/COP/WG.4/2022/4](#))

Recommendation 14

States parties, if they have not done so, are urged to nominate, without undue delay, their focal points and governmental experts for participation in the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, within the timetable indicated in its procedures and rules and in the guidelines for conducting the country reviews, as well as to ensure the accessibility and availability of the nominated focal points and governmental experts.

Working Group on the Smuggling of Migrants ([CTOC/COP/WG.7/2022/4](#))

Recommendation 13

States parties are urged to nominate, without undue delay, their focal points and governmental experts for participation in the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, within the timetable indicated in its procedures and rules and in the guidelines for conducting the country reviews, as well as to ensure the accessibility and availability of the nominated focal points and governmental experts.



2023

Working Group on Firearms ([CTOC/COP/WG.6/2023/5](#))

Recommendation 17

Parties may wish to encourage UNODC to foster the participation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition in the constructive dialogues following the meetings of the Working Group, in accordance with the procedures and rules of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

Recommendation 18

In the light of the challenges identified in the course of the review process, States parties may wish to consider making voluntary contributions to the secretariat of the Implementation Review Mechanism in order to ensure sufficient and sustainable funding to support the review process.

Working Group of Government Experts on Technical Assistance ([CTOC/COP/WG.2/2023/4](#))

Recommendation 2

Parties are encouraged to make voluntary contributions to UNODC in order to ensure that the secretariat of the Review Mechanism has adequate financial, technical and human resources to effectively support the participation of all parties in the Mechanism.

Recommendation 3

Parties are encouraged to consider paragraph 51 of the procedures and rules for the functioning of the Review Mechanism in order to address challenges relating to multilingualism and translation in the review process.

Recommendation 4

Parties should consider providing extrabudgetary resources to UNODC to support the further development of the secure module of SHERLOC known as “RevMod” to improve its functionalities in order to facilitate the timely and smooth conduct of country reviews online, including through automated notifications of missed deadlines and other key communications.

Recommendation 5

Parties should consider providing extrabudgetary resources to UNODC in order to enable it to respond to requests for legislative assistance to prevent and combat organized crime, including with regard to observations emanating from the Review Mechanism and through information gathering and dissemination by way of SHERLOC.



Recommendation 6

Parties that have not yet done so are strongly encouraged to nominate a national focal point for the Review Mechanism and keep that information up to date. Parties are also encouraged to identify the relevant national experts to ensure the effectiveness and consistency of responses to the self-assessment questionnaires. Parties are further encouraged to make every possible effort in the preparation of their answers to the questionnaires to consult relevant governmental stakeholders and, where appropriate, all relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations and academia. Parties and UNODC are invited to consider using bilateral and multilateral forums to encourage those Parties that have not yet done so to nominate focal points.

Recommendation 7

Parties should endeavour to adhere to the timelines contained in the procedures and rules for the functioning of the Review Mechanism to the extent possible, including by ensuring their timely participation in the country reviews in line with the multiyear workplan and by mutually sharing, on a voluntary basis, their experiences to overcome the common challenges identified in the process.

Working Group on International Cooperation ([CTOC/COP/WG.3/2023/4](#))

Recommendation (l)

States parties that have not yet done so are called upon to nominate national focal points for the purposes of the Implementation Review Mechanism in a timely manner and to consider the best ways to maintain and improve efficient and sustained dialogue among focal points engaged in a specific review.

Recommendation (m)

The secretariat is requested to support focal points from States parties to the Organized Crime Convention in consulting on their responses to the provisions reviewed under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption that are relevant or similar to those provisions reviewed under the Implementation Review Mechanism for the Organized Crime Convention.

Recommendation (n)

States parties are encouraged to make voluntary contributions to UNODC in order to ensure that the secretariat has resources to effectively support the functioning of the Mechanism.

Recommendation (o)

States parties are encouraged to share their technical assistance needs related to the implementation of the Organized Crime Convention and also share the progress made in their country reviews. In this regard, the secretariat was requested to collect and share information on such technical assistance needs and to inform the subsidiary bodies of the Conference of the Parties to the Organized Crime Convention



Working Group on the Smuggling of Migrants ([CTOC/COP/WG.7/2023/5](#))

Recommendation 15

States parties are encouraged to nominate focal points and ensure their responsiveness in the process of the Implementation Review Mechanism, as well as to consider providing financial support to the secretariat for the purpose of advancing the progress of the Mechanism.

Recommendation 16

The secretariat should continue its outreach to States to advance the progress of the Implementation Review Mechanism and overcome challenges, including through the organization of briefings on the Mechanism for States parties and regional groups as well as for States at the pre-accession or pre-ratification stage in relation to the Smuggling of Migrants Protocol.



2024

Working Group on Firearms ([CTOC/COP/WG.6/2024/5](#))

Recommendation 22

Parties to the Convention should redouble their efforts to engage in the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime in a timely manner, including by nominating focal points promptly and ensuring their responsiveness throughout the process. The Working Group on Firearms further recommends that the Conference of the Parties consider modalities, as proposed by the secretariat, for the participation of new States parties in the Mechanism.

Working Group of Government Experts on Technical Assistance ([CTOC/COP/WG.2/2024/5](#))

Recommendation 21

Parties that have not yet done so are urged to nominate national focal points for the Review Mechanism. In cases where such nominations are pending, parties are to implement paragraph 18 of the procedures and rules for the functioning of the Mechanism, which provides that permanent representatives are to act as temporary focal points for the review process in such cases.

Recommendation 22

UNODC should continue facilitating communication and the exchange of good practices, challenges and lessons learned throughout the review process, and to that end should explore the possible establishment of a network of designated focal points for the Review Mechanism.

Recommendation 23

Parties are encouraged to enhance the participation of women in the Review Mechanism.

Recommendation 24

Parties are encouraged to make voluntary contributions to UNODC in order to ensure that the secretariat of the Review Mechanism has adequate, predictable, transparent and stable financial, technical and human resources to effectively support the participation of all parties in the Mechanism.



Working Group on Trafficking in Persons ([CTOC/COP/WG.4/2024/5](#))

Recommendation 8

The Conference should consider modalities for the participation in the Mechanism of new parties to the Convention and the Protocols thereto.

Working Group on the Smuggling of Migrants ([CTOC/COP/WG.7/2024/5](#))

Recommendation 12

Parties that have not yet done so are strongly urged to nominate national focal points for the Review Mechanism, given the negative impact that the lack of focal points has had on the ability of some reviewing and reviewed States to complete their reviews in a timely manner. Pending such nominations, parties are to implement paragraph 18 of the procedures and rules for the functioning of the Review Mechanism, providing that permanent representatives are to act as temporary focal points for the review process in such cases.

Recommendation 13

Within the framework of the Review Mechanism, States parties are strongly encouraged to:

- (a) Appoint a focal point with the most appropriate professional knowledge to discharge the functions set forth in the procedures and rules for the functioning of the Review Mechanism;
- (b) Ensure their continuous institutional engagement in the review process;
- (c) Take full advantage of the support that the secretariat may provide in finalizing the country reviews, including the resources already made available by UNODC, in particular reports prepared for sessions of the Conference of the Parties to the Organized Crime Convention, as well as legislative guides developed by the Office.



B. Observations by the Chair based on the discussions held at the Constructive Dialogues on the UNTOC and Protocols' review process



2023

Constructive Dialogue on Technical Assistance ([Summary by the Chair](#))

States should enhance collaboration with non-governmental stakeholders and provide for platforms allowing for them to provide relevant data and knowledge to inform the responses to the self-assessment questionnaire in the review process.

States should consider cooperating with non-governmental organizations, academia, and the private sector to collect and analyze data on organized crime, identifying the dynamics and impact of organized crime at the local level and designing related comprehensive responses, in a gender-sensitive and human rights compliant manner.

States and the international community should make efforts to build capacity and share relevant information with grassroots organizations as key providers of essential responses to mitigate the impact of organized crime at the local level, with a view to enhancing their knowledge on the Organized Crime Convention and their participation in the constructive dialogues on the review process.

States could consider evaluate the possibility to involve the private sector more systematically in the management of assets confiscated from organized crime in order to benefit from their financial and logistical support to more efficiently promote the social reuse of assets and the sustainability of related activities over time.



Constructive Dialogue on International Cooperation (Summary by the Chair)

States should prioritize the integration of human rights into law enforcement cooperation at all levels to ensure the effectiveness of international cooperation and compliance with human rights protection. This should be accompanied by a strong commitment to the protection of human rights within law enforcement agencies, particularly in cases of cross-border cooperation, and the incorporation of risk assessment procedures and governance controls into considerations of law enforcement cooperation to reduce the risks of human rights violations.

States should strengthen capacity-building in international cooperation, and actively provide assistance and technical support to countries in need, with the aim of improving the quality of legal assistance requests, respecting data privacy laws, and considering updates to domestic legislation to incorporate human rights principles.

States and the international community should pay attention to the balance between data protection and the need for evidence in criminal investigations and should carefully examine the role of artificial intelligence in international cooperation.

States should recognize the importance of consultations with nongovernmental stakeholders (civil society, academia, and the private sector) in the fight against transnational organized crime. In doing so, States should consider enhancing collaboration with these stakeholders and provide for platforms allowing them to present relevant data and knowledge to inform the responses to the self-assessment questionnaire in the review process. The close involvement of these stakeholders with State parties contributes to the development of more effective strategies against organized crime.

States should consider cooperating with non-governmental organizations, academia, and the private sector to collect and analyze data on organized crime, identify the dynamics and impact of organized crime at the local level and design related comprehensive responses, in a gender sensitive and human rights compliant manner.

Constructive Dialogue on Trafficking in Persons (Summary by the Chair)

States parties are encouraged to strengthen cooperation with civil society organizations to improve the response to trafficking in persons through, among others:

- (a) strengthening measures that address children's vulnerability to trafficking;
- (b) conducting awareness raising, especially targeting the education sector, on trafficking in persons, particularly the relates risks to children;
- (c) implementing dedicated child-focused referral mechanisms enabling child victims of trafficking to access appropriate and sustainable services, independent of whether victims participate in the criminal justice process;
- (d) fostering integrated cross-sectoral collaboration between, amongst others, child protection systems and asylum authorities, law 7/7 enforcement and the judiciary, as well as with civil society in identification, protection, and prevention of child trafficking, including through the use of referral mechanisms;
- (e) providing for the return and reintegration of child victims of trafficking in origin or third countries, with appropriate safeguards and by upholding the best interests of the child;



(f) promoting the economic and structural empowerment of families of child victims of trafficking, which will reduce the risk of revictimization; and

(g) addressing the root causes that contribute to trafficking in persons and ensuring availability of opportunities for people vulnerable to trafficking to pursue their dreams in a safe environment.

States parties are encouraged to strengthen access to justice for child victims of trafficking, including through facilitating access to legal assistance, ensuring the non-punishment of child victims of trafficking, and providing access to appropriate remedies, including financial compensation.

States parties are encouraged, including through public-private partnerships, to leverage emerging technologies such as artificial intelligence in mapping and identifying victims of trafficking and perpetrators, including in the collection of online evidence that is admissible in courts of law.

States are encouraged to actively combat corruption as a facilitator of trafficking in persons by implementing and strengthening accountability mechanisms, including the establishment of dedicated anti-corruption units.

States parties are encouraged to provide safe reporting mechanisms for reporting on corruption, ensuring appropriate follow-through to reported cases in addressing trafficking in persons in the context of corruption.

Constructive Dialogue on the Smuggling of Migrants ([Summary by the Chair](#))

States parties should integrate policies and practices aiming to criminalize migrant smugglers with robust actions for the protection of migrants, effectively addressing crime while safeguarding migrants' safety, dignity and human rights.

States parties should better identify victims of crime among smuggled migrants and apply an inclusive, safe, and sustainable approach to their fight against migrant smuggling, which is gender-responsive and respectful of diversity, and is embedded in human rights, from the beginning of any actions undertaken.

In cooperation with UNODC and relevant stakeholders, States parties should provide capacity-building for frontline responders, humanitarian organizations, and human rights groups to effectively identify cases of human trafficking among people on the move.

States parties should not hold smuggled migrants liable for the fact of having been smuggled (non-liability principle) and train law enforcement to distinguish between smuggled migrants and smugglers.

States parties and non-governmental stakeholders should closely cooperate to develop and implement tailored awareness-raising campaigns that better inform potential migrants of the illegal and risky nature of migrant smuggling in order to curb the business of criminals engaging in it and save lives.

States parties should focus more attention on financial transactions related to the smuggling of migrants and make investigating high-level smugglers a priority.

States parties should invest more effort into local, community-based initiatives that create education, entrepreneurship opportunities and employment for youth, and thus contribute to reducing and preventing migrant smuggling and irregular migration more generally.



2024

Constructive Dialogue on Firearms (Summary by the Chair)

States are encouraged to strengthen the capacities of criminal justice systems to systematically analyse forensic and ballistic evidence and conduct pro-active intelligence-led investigations with the aim to disrupt illicit firearms flows.

States are encouraged to criminalize forms of both transnational and domestic firearms trafficking, including when conducted by private security companies.

States are encouraged to collect and analyse age and gender disaggregated data to develop targeted prevention strategies against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

States are encouraged to ensure the meaningful participation of women and youth representatives in policy processes related to the implementation of the Firearms Protocol.

UNODC is encouraged to develop technical guidance on the implementation of the Firearms Protocol, including by updating the *Legislative Guide for the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition and the Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*.

Joint Constructive Dialogue on the Technical Assistance and International Cooperation (Summary by the Co-Chairs)

States should ensure that crimes that affect the environment, in appropriate cases, are criminalized as serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b) of the Convention, and should ensure that crimes that affect the environment are punishable by effective, proportionate and dissuasive sanctions, including in relation to the liability of legal persons for participation in such crimes.

States should carry out more research on crimes that affect the environment, with a particular focus on evaluating the implementation and enforcement of legislation, as well as the effectiveness of sanctions in deterring offenses. Research efforts should also address the drivers of demand and other metrics that can inform preventative action. States should further take measures to promote the role of civil society in efforts to prevent and combat crimes that affect the environment and should ensure that members of civil society involved in such efforts are protected.

States should ensure that organized fraud offences, in appropriate cases, are criminalized as serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b) of the Convention, and that they are 9/9 punishable by effective, proportionate and dissuasive sanctions, including in relation to the liability of legal persons for participation in such crimes.



States should make efforts to conduct more research on organized fraud, trends and emerging technologies, and continue leveraging new technologies, including artificial intelligence and machine learning, to effectively prevent and combat organized fraud.

States should ensure increased awareness-raising about organized fraud, as well as the support of its victims, including reintegration of victims of trafficking in persons who are coerced to commit organized fraud, through the allocation of appropriate resources.

States shall make efforts to continuously update their practices and policies related to international cooperation in criminal matters, in order to reduce the opportunities for offenders, including organized criminal groups, to exploit advancements in technology.

Constructive Dialogue on Trafficking in Persons (Summary by the Co-Chairs)

States should provide more guidance and training to relevant health professionals and ethical boards to better assess prospective organ donors through a psychosocial assessment and better identify suspicious cases, including cases of transplant tourism. A checklist of steps to report suspicious cases should be developed to this end, with reference to the UNODC Toolkit on the investigation and prosecution of trafficking in persons for organ removal to ensure that the procedures are comprehensive and effective.

States should ensure that the reporting of suspicious cases is mandatory for doctors and physicians, as it is for child abuse and other crimes.

States should encourage Financial Investigations Units (FIUs) to develop a list of indicators to detect suspicious transactions related to trafficking in persons for organ removal.

States should not criminalize people who were compelled to sell their organs, in line with the non-punishment principle, but rather treat such individuals as victims of trafficking with access to protection and assistance measures.

Should develop more regular pathways for migrants to reduce their vulnerabilities to trafficking in persons for organ removal, as this creates opportunities for organized crime.

States should ensure adequate support for trafficking survivors to heal physically and emotionally, and enhance justice actors' capacity to implement child-centred approaches to trafficking in persons. State should also train schoolteachers to understand and better identify possible child trafficking.

States should make efforts to involve local government authorities and religious leaders, given their significance in society, in broader efforts to address child trafficking.

States should ensure the ethical engagement of trafficking survivors into anti-trafficking responses, including child survivors, and encourage the creation of survivor councils.



States should consider children trafficked into soldiering or being part of terrorist groups as victims of trafficking in persons and not criminalize them for acts that they were compelled to commit.

Constructive Dialogue on the Smuggling of Migrants (Summary by the Co-Chairs)

States should pay special attention to economically and socially depressed areas to combat social and economic root causes of migration and the use of smuggling services, such as inequality, poverty and underdevelopment.

States should enact and review laws and policies related to climate change to prevent the need for people to migrate from areas that might become uninhabitable.

States should mainstream gender perspectives and intersectional approaches in addressing the smuggling of migrants in order to understand and adequately react to the impact it has on smuggled persons.

States should build strong partnerships with political stakeholders such as sub-national authorities, local communities and trade unions, as well as international organizations to increase the protection and assistance to smuggled persons in distress.

States should ensure that smuggled migrants are not criminalized for being smuggled, in accordance with the Protocol on the Smuggling of Migrants

States should make efforts to ensure that children who came irregularly to a country, including through the use of smuggling services, or who were born in the destination country from parents who are in an irregular situation, have access to the citizenship of the country of origin or destination.

States should ensure that organizations that provide assistance to smuggled migrants in distress and persons in irregular situations, and generally fight for their rights, are not criminalized or sanctioned for their work.

States shall ensure responsible and ethical use of technology-based tools to address organized crime-related threats, in order to avoid unintended consequences, particularly in relation to the protection of personal privacy and civil liberties.

States should make efforts to continue facilitating the exchange of information in the context of law enforcement cooperation, including determining the need for the use of specific technologies, such as dedicated online portals, in cases where cross-border investigations involve the handling of electronic data or evidence.





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