

October 2024

## **A Civil Society Declaration for more effective implementation of the UNTOC**

*To be delivered at the 12<sup>th</sup> Conference of Parties to the UNTOC in October 2024 by the Alliance of NGOs on Crime Prevention and Criminal Justice on behalf of its members and all interested members of civil society*

### **Foreword from the Board of the Alliance of NGOs on Crime Prevention and Criminal Justice**

This Declaration was created in the context of the Implementation Review Mechanism (IRM) of the United Nations Convention against Transnational Organized Crime (UNTOC), which was officially launched in 2020. Throughout various Constructive Dialogues with Member States as part of the IRM, the Alliance of NGOs on Crime Prevention and Criminal Justice collected input from civil society participants and drafted this Declaration to represent the most salient points raised by civil society throughout this period. This Declaration is intended to convey to States Parties, the United Nations Office on Drugs and Crime (UNODC) and the wider public, the key concerns and recommendations of civil society when it comes to the implementation of the UNTOC.

The threat of organized crime is more challenging than ever. We cannot afford to work in silos, or to ignore the input of different sectors and constituencies. We hope this Declaration will be borne in mind by States Parties as they continue their efforts to implement the Convention, and to prosecute and deny safe haven to all of those who seek to work across borders to exploit the vulnerable, damage societies, undermine the rule of law, deplete our natural resources and environment, and move and hide their ill-gotten gains. Civil society is your partner in achieving these aims.

## **PREAMBLE:**

### **1. Situational Context and process**

The crucial role of civil society in combating organized crimes and corruption cannot be ignored. However, historically, in many countries transnational organized crime has been treated solely as a national security issue rather than a whole-of-society issue. This narrow approach has resulted in limited civil society engagement and space in responding to organized crime at all levels. In recent years, human rights defenders and civil society at large have become victims of shrinking spaces globally. Civil society working on corruption, organized crime, state responsibility and accountability have faced increased push back by states both at the national and international level.<sup>1</sup> The increasing blockade of civil society from engagement and interaction with the state on these issues, threatens the effective implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and related global efforts to combat organized crime.

The Declaration contained herein was delivered to the 12<sup>th</sup> UNTOC Conference of Parties by the Alliance of NGOs on Crime Prevention and Criminal Justice (the Alliance of NGOs), and all other interested members of civil society who sign up to be included as signatories to the Declaration.

### **2. Civil Society and the UNTOC Review Mechanism**

As the umbrella organization bringing together over 100 civil society organizations (CSOs) across the world to join efforts to engage at the multilateral level on the prevention and response to organized crimes, the Alliance of NGOs has actively engaged in the relevant processes including the Conference of Parties to the UNTOC and its subsidiary bodies. With 83% of the world's population living in conditions of high criminality,<sup>2</sup> it is even more integral that the role of civil society is highlighted and CSOs are provided the necessary platform and resources to join efforts in achieving SDG 16 and providing peace and justice to societies globally.

The UNTOC, as the primary binding international treaty that aims at combating transnational organized crime, currently establishes a comprehensive framework for nations to prevent, investigate, and prosecute criminal activities such as human trafficking, migrant smuggling, illicit firearms, and other forms of serious organized crime. As representatives of civil society, it is important to highlight the Convention's supplementary key components involving international cooperation, technical assistance, victim protection, gender and human rights, and their relation to civil society efforts.

The Review Mechanism of the Implementation of UNTOC and its Protocols, agreed in 2018, is central to progress in implementation of the Convention and its Protocols. The role of civil society is integrated into the Review Mechanism in three ways: (i) participation in the plenary sessions of the Conference of Parties in accordance with Rule 17, (ii) engagement through

---

<sup>1</sup> Ayvazyan, 2019; Roepstorff, 2020; Roggeband & Krizsán, 2021; Strachwitz & Hummel, 2023.

<sup>2</sup> The Global Organized Crime Index 2023. <https://ocindex.net/2023/>

constructive dialogues and (iii) consultations at the national level with the State in response to the self-assessment questionnaires. Despite the arbitrary lack of access for civil society to the Conference's subsidiary bodies, which hinders the Conference's ability to meaningfully monitor and evaluate implementation, the Constructive Dialogues provide a unique entry point for civil society in the UNTOC Review Mechanism, building a platform for the collection of inputs and suggestions from non-governmental stakeholders on the role of civil society in the implementation of UNTOC and its protocols.

In collaboration with the United Nations Office on Drugs and Crime Civil Society Unit (UNODC CSU), the Alliance of NGOs has worked to ensure that civil society voices are heard in all relevant fora of the UNTOC Conference of Parties, in spite of challenges and constraints to civil society participation at the UN more generally, and in particular the context of policymaking on transnational organized crime.

## **DECLARATION:**

*As representatives of civil society*, we feel it is pressing that our voices are not only heard but taken seriously through commitments for change and action from the international community. In recent years, the world witnessed a multitude of conflicts, both internal and external, with millions of individuals displaced, insurmountable loss of civilian lives, rise in autocratic governance and a general shift towards instability at the global level. The growing instability acts as a threat to international peace and security, weakening existing international networks for cooperation and assistance.

This global destabilization has also had a severe impact on rule of law and human rights protections; and despite the almost universal ratification of the UNTOC we are seeing an increase and diversification in serious organized crimes and their harm.

Therefore, we the civil society representatives require space and support, at both national and international levels, to become an active, integral and holistic part of crime prevention and responses, to ensure the progress made is not lost amidst the turmoil of politics and most importantly, to aid and protect the rights of those in most need, i.e. survivors, vulnerable and marginalized groups, those likely to become victims of organized crime networks, and those defending their communities and environments against the harms of organized crime. We call for support to enhance States' efforts to effectively implement the UNTOC and combat organized crime through the following:

### **1. Enhance the role of civil society in combating organized crime and implementation of UNTOC**

Civil society plays a critical role in combating organized crime, through ensuring transparency and accountability of the State with regards to its obligations, including under the UNTOC. Furthermore, a proactive and central role of civil society can fill in gaps in existing data, improve response and protection measures for survivors and victims, reduce human rights abuses and push for greater engagement with evidence-based prevention strategies as a long-term and sustainable approach to combating organized crime. In particular, we recommend that Parties to the UNTOC:

- Protect and promote safe civil society spaces at the national and international level, including as part of the UNTOC Review Mechanism.
- Push back on attempts, at the international and local levels, to limit or silence civil society voices.
- Promote national efforts to protect and defend CSOs that are supporting work against transnational organized crime including those uncovering corruption and related efforts that contribute to organized crimes as well as those working to ensure compliance with international human rights laws alongside these efforts.
- Call for removal of any impediments in law or practice that limit civil society space

in contravention of the spirit of UNTOC.

- Convey disappointment that civil society is still boxed out from major parts of the UNTOC Conference and its Review Mechanism process. Increasing space for civil society in the entire review process is necessary to build state accountability and support holistic, effective responses to combating organized crime.
- Join efforts, between civil society, academia, law enforcement agencies, the private sector, and relevant UN agencies, to invest resources in order to produce more robust, timely data on transnational organized crime and illicit trafficking flows.
- Reaffirm the need for civil society to fill in existing gaps in evidence-based decision-making on combating organized crime.
- Recognize the unique position of civil society as a bridge-builder between the community and the government to ensure accessibility, accountability, and to build trust.
- Reaffirm the need for integration of civil society engagement with communities and victims for proper implementation of treaties like the UNTOC.

## **2. Prioritize gender, human rights and victim-centered approaches to countering organized crime**

Limited investment and commitment to cross-cutting issues and approaches to countering organized crime have resulted in unequal protection measures for various groups in our societies, in particular women and children, as well as marginalized groups. The ability to develop and deliver prevention and protection strategies for such disadvantaged segments involved in organized crime (in any capacity), requires a cross-sectional approach to understanding the interplay of different layers of vulnerability and privilege.

The protection and promotion of human rights are central to the UN's work, and integral to ensuring holistic responses to organized crime. At the same time, the issue of human rights is often ignored or watered down in the discourse of implementing the UNTOC.

It is therefore critical for civil society to spearhead reform on integrating and mainstreaming gender and human rights approaches in countering organized crime. In particular, we recommend that States Parties and the UNODC:

- Recognize the importance of CSO efforts to integrate human rights and gender-based approaches into capacity-building of law enforcement and other state agencies.
- Acknowledge the need for civil society to push survivor-centric, trauma-informed and human rights-based approaches to national interventions on organized crime and to provide input from the intended beneficiaries of initiatives, ensuring that a holistic approach is adopted to prevention.

- Acknowledge the vital role of civil society in the dissemination of the goals of the UNTOC, integrated with a prioritization of human rights and gender sensitive responses, is central to improving its overall accessibility to vulnerable populations at risk of organized crime.
- Recognize the role of civil society in ensuring that the UNTOC is implemented in compliance with international human rights law, including the right to a fair trial and the right to effective legal aid for all individuals who are suspected, detained, or charged with a crime, understanding that compliance with human rights law is necessary to legitimize implementation of the Convention and the Protocols thereto, build trust in institutions, reduce reoffending and radicalization, and ensure equal access to justice.

### **3. Update and enhance international cooperation and technical assistance**

To truly target the transnational aspects of organized crime, open dialogues and information sharing across borders are paramount for the promotion of international cooperation to address organized crime. This includes public reporting and dissemination of data on international cooperation and Mutual Legal Assistance (MLA). Currently, public information is lacking, so we recommend that States Parties and UNODC to voluntarily publish information on best practices and challenges in usage of the international cooperation provisions of the UNTOC.

Across various governments, specialization is not always present in the diverging forms of international cooperation structures, such as MLA, extradition and other forms of cooperation. To enhance not only meaningful responses, but proactive measures, civil society can fill the gaps with these skills and specializations and share their expertise with both national and international stakeholders.

Constructive Dialogues and other forms of non-governmental stakeholder involvement in international cooperation and technical assistance are therefore even more necessary. It is only through this collaboration that the expertise of civil society encompassing the academic and legal fields can come together to inform state approaches.

### **4. Enhance the impact of the Trafficking in Persons Protocol**

The major role of civil society in the process of implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons includes the review of the performance of the interventions of law enforcement agencies in trafficking in persons in their respective states. The role of survivors has also become essential to a more holistic and effective understanding of the phenomenon of trafficking in persons and its effects on people. Due to a lack of understanding with regards to criminal activity, and the mismanagement of information, CSOs can fill gaps that can improve the knowledge of state entities. This will allow member states to align priorities and allocate resources to effectively respond to and prevent trafficking in persons, particularly for women, children and other vulnerable groups. Perspectives and voices of survivors and victim support organizations are also vital as they support the use of a gendered lens to monitor the systems in place with measures that recognize the communities at risk,

including support to victims of trafficking in persons.

In addition to this, greater attention is needed on all forms of trafficking, new as well as old, but less developed forms of trafficking, including exploitation facilitated by the rise of internet and digital communications, organized fraud, scam centres, and trafficking for the purpose of organ removal etc. Therefore, improved identification protocols and evidence gathering is necessary to protect victims of trafficking in person for the purpose of organ removal and those victims of digital crimes, sexual or otherwise. Moreover, States Parties and CSOs should increase attention towards long-term rehabilitation and livelihood support for all survivors of trafficking, to create economic opportunities and reduce their vulnerability to re-trafficking.

### **5. Enhance the impact of the Smuggling of Migrants Protocol**

The role of civil society in the universalization and implementation of the Protocol against the Smuggling of Migrants is extremely important, especially in the context of the human rights risks inherent in state responses to irregular migration and migrant smuggling. Evidence-based research led by civil society is needed to identify global hotspots, understand their underlying factors and drivers through innovative approaches at national, regional and global levels. It is essential to acknowledge the coercion, exploitation, physical or psychological abuse, inhumane conditions, or other factors that lead to and propagate the smuggling of migrants, and accordingly provide protection and rehabilitation services to those who face such situations. Distinct experiences of children need to be documented and pushed forward to ensure adequate protections are afforded by CSOs and the State for children smuggled and children born from irregular migrant parents to prevent statelessness. The treatment of migrants by governments must also adhere to international human rights standards outlined in various legal instruments as well as the migrant smuggling protocols. The promotion of broader strategies to manage migration, including safe and legal pathways, should be integrated with efforts to implement the Protocol.

### **6. Enhance the impact of the Firearms Protocol**

Civil society plays a major role in promoting the universalization and implementation of the Firearms Protocol, so far, the Protocol with the lowest number of adhering States. Considering the key role of firearms trafficking and related offenses in transnational organized crime, the links between arms trafficking and other criminal markets, as well as with lawful and unlawful trade of firearms and diversion should be further explored, also making use of data collected by civil society. The inclusion of impact indicators may allow a better assessment of effective implementation on a reduction of armed violence.

Mainstreaming gender dimensions in policy making processes regarding armed violence and firearms trafficking, including in the context of the Review Mechanism, is crucial. The contribution of civil society to the Review Mechanism in this area may be further emphasized through better connection with other relevant multilateral mechanisms, such as the Arms Trade Treaty, and the Programme of Action on Small Arms and Light Weapons, as well as regional instruments.

## **7. Use the UNTOC to address crimes that affect the environment**

We welcome the increasing attention and recognition by States Parties on the role of the UNTOC in addressing Crimes that Affect the Environment (CAE). This is a vital step not only to combat criminal networks but also to ensure a healthy environment for all occupants of our planet, which is critical for the survival of the world as we know it. However, more concrete action to effectively combat organized criminal networks profiting from CAE across global supply chains and the corruption enabling them requires a more meaningful and coordinated whole of society approach. Effective responses require collaboration across various sectors, including with civil society, and the use of existing tools under the UNTOC, such as special investigative techniques and joint investigations; alongside efforts to review and update the criminal justice framework.

Civil society plays a crucial role in promoting the implementation of the UNTOC to prevent and combat CAE. For example, CSOs provide technical assistance to train those in charge of investigating, prosecuting and adjudicating CAE, as well as help strengthen legislative and policy frameworks to prevent and combat CAE and associated corruption and help identify any gaps. Intelligence gathered by CSOs is often instrumental in supporting successful investigations and prosecutions of CAE cases, as law enforcement agencies often lack expertise or capacity to investigate these crimes. CSOs also help to fill knowledge gaps, contribute to the science base that underpins informed decision making, and play a vital role in raising awareness around these crimes. Public-private partnerships are also crucial, with cooperation needed among States Parties, private sectors, non-governmental organizations (NGOs), academia, and the media to enhance the integrity of legal supply chains, and conduct financial investigations.

In addition, non-state actors including CSOs, journalists, land and environmental defenders, Indigenous Peoples, local communities and other frontline environmental defenders often face significant threats and dangers in exposing and combating CAE and associated corruption. States Parties should provide a safe and enabling environment to those who expose, report and fight CAE and associated corruption; ensure robust whistleblower protection; and encourage the UNODC to regularly monitor the situation of civil society stakeholders working to expose and combat these crimes.

## **8. Accelerate progress and enhance transparency on the UNTOC Review Mechanism in partnership with civil society**

In addition to the concerns raised around the exclusion of civil society from key parts of the Review Mechanism, we also express our deep concern about the slow pace of the Review Mechanism. We are approaching the 25<sup>th</sup> anniversary of the adoption of the UNTOC, with very little concrete outputs from the Review Mechanism since 2020.

However, we appreciate the efforts of States who have constructively engaged with civil society in the Review Mechanism and look forward to future efforts from a greater number of States. We therefore call on States Parties and UNODC to maximize the possibility of civil

society engagement and inputs, including information on national consultation processes, publication of self-assessment questionnaires, and participation in multistakeholder exchanges such as Pilot Initiatives and regional civil society networks.

In summary, we call on all Parties and the UNODC to redouble their efforts and raise their political commitment to effective and holistic implementation of this Convention, in collaboration with your partners in civil society.

### **Signatories:**

#### **Organizations:**

- The Alliance of NGOs on Crime Prevention and Criminal Justice
- Rapha International
- Soroptimist International
- Centre for Governance Research
- The International Legal Foundation
- The Global Initiative Against Transnational Organized Crime
- The Wildlife Justice Commission
- Asia Crime Prevention Foundation
- Victim Support Asia
- Criminologists Without Borders
- Stichting Kennis: Knowledge for Safety and Good Governance
- Academy of Criminal Justice Sciences
- Penal Reform International
- Georgian Academy of Criminology Sciences
- 21ST CENTURY COMMUNITY EMPOWERMENT FOR YOUTH AND WOMEN INITIATIVE
- Accountability Lab
- Action for Women's Education and Promotion
- African Law Foundation
- African Policing Civilian Oversight Forum
- AIM Education & Research Society
- Angels in the Field
- Association For Promotion Sustainable Development
- AUDITORIA DC
- AWTAD Anti-Corruption Organization
- Bapud
- Brave to Love
- Campus Watch
- Cannabis Cura Sicilia Social Club Aps
- Center for Environmental Ethics and Law
- Centre for Governance Research

- Centre for Human Rights
- Centre for Human Rights and Climate Change Research
- Centre for Muslim youth in peace and development
- Christian Education and Development Organization
- Cortocircuito NGo
- Counter Human Trafficking Trust-East Africa
- Dominicans for Justice and Peace
- Earth League International
- Ethics Specialist Group, IUCN World Commission on Environmental Law
- GLOBAL ALERT FOR DEFENCE OF YOUTH AND THE LESS PRIVILEGED
- Global Initiative to End Wildlife Crime
- Gorilla FM
- Indonesia Corruption Watch
- Initiative Locale pour le Developpement Integré
- International Academy of Science, Health & Ecology
- International Coalition Against Illicit Economies
- International Law Enforcement Federation
- International Society for Peace and Safety
- IUCN France Committee
- Jane Goodall Institute Global
- Kuchlak Welfare Society Balochistan Pakistan
- La Verità Onlus - International Diplomacy
- National Whistleblower Center
- Organisation for Gender, Civic Engagement and Youth Development
- Parent-Child Intervention Centre
- Public-Private Integrity
- Réseau National de Lutte Contre le Tabagisme et autres Toxicomanies
- Reseau Nigerien des Defenseurs de Droits Humains
- Society for Promotion of Youth & Masses
- Soroptimist International
- Sortedlife Husika Afrika Group
- Spero
- Sukaar Welfare Organization
- Swiss Chinese Law Association
- Terra-1530
- The International Wildlife Trust
- Tripla Difesa Onlus Guardie Sicurezza Sociale ed Eco Zoofila
- United Unity Environmental Rescue Organization
- Usalama Reforms Forum
- Victim Support Asia
- Wildlife Conservation Society

- Women and Modern World Social Charitable Center
- Women's Federation for World Peace
- World Society of Victimology
- LIBERA ASSOCIAZIONI NOMI E NUMERI CONTRO LE MAFIE
- Gesellschaft Bosnischer Akademiker in Österreich
- Cyber Intelligence and Security Aid Bureau
- Set Free to Thrive
- Anti-Corruption Association of NGO
- Centre for Peace and Development Initiatives
- International Ares Group
- Action Humanitaire pour la Santé et le Développement Communautaire
- Bangladesh NGOs Network for Radio and Communication
- Noble Delta Women for Peace and Development intl
- International Law Enforcement Federation
- Asia Crime Prevention Foundation
- La Vie Mot Global Mission aka Living Word Mission
- Active Help Organization
- The Salvation Army
- National Campaign for Sustainable Development Nepal
- Ohaha Family Foundation

**Individuals:**

- Richard Anthony
- Jeshadul Hoque Tanim
- Michael O'Connell
- Edda Giuberti
- Ugljesa Zvekic
- Linda MacDonald
- Jeanne Sarson
- Moses Oduor
- Manuel Villoria
- Edith Angelika Hofmann
- Dr Zara Bending
- Iolanda Greedes Fernando Marcolino
- Anna Alvazzi del Frate
- Tobias Krachler
- Beverly Bucur
- Richard Anthony
- Sabine Peters
- Gennaro Balestreri
- Gabriele Kokott-W.

- Ingeborg Geyer

## **Annex: Relevant reading:**

- Ayvazyan, K. (2019). *The Shrinking Space of Civil Society: a Report on Trends, Responses, and the Role of Donors*. (Opuscula, 128). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft. urn:nbn:de:0168-ssoar-62273-3
- Bakke, K. M., Mitchell, N. J., & Smidt, H. M. (2020). When States Crack Down on Human Rights Defenders. *International Studies Quarterly*, 64(1), 85-96.
- Gora, A., & de Wilde, P. (2022). The essence of democratic backsliding in the European Union: deliberation and rule of law. *Journal of European Public Policy*, 29(3), 342-362.
- Haggard, S., & Kaufman, R. (2021). The Anatomy of Democratic Backsliding. *Journal of Democracy*, 32(4), 27-41.
- Jee, H., Lueders, H., & Myrick, R. (2022). Towards a unified approach to research on democratic backsliding. *Democratization*, 29(4), 754-767.
- Le Moglie, M., & Sorrenti, G. (2022). Revealing “mafia inc.”? Financial crisis, organized crime, and the birth of new enterprises. *Review of Economics and Statistics*, 104(1), 142-156.
- Mallon, M. R., & Fainshmidt, S. (2022). Who’s hiding in the shadows? Organized crime and informal entrepreneurship in 39 economies. *Journal of Management*, 48(1), 211-237.
- Repucci, S. & Slipowitz, A. (2021). Democracy under Siege. *Freedom House*, 2021-02.
- Roepstorff, K. (2020). Localisation and Shrinking Civic Space: tying up the loose ends. *Maecenata Foundation Center for Humanitarian Action*. <https://www.chaberlin.org/wp-content/uploads/2020/05/2020-05-publication-localisation-shrinking-civic-space-roepstorff-en.pdf>
- Roggeband, C. & Krizsán, A. (2021). The Selective Closure of Civic Space. *Global Policy*, 12, 23-33.
- Rusanov, G., & Pudovochkin, Y. (2021). Money laundering in the modern crime system. *Journal of money laundering control*, 24(4), 860-868.
- Strachwitz, R. & Hummel, S., eds. (2023). *Contested Civic Spaces: A European Perspective*. De Gruyter.
- Wolkenstein, F. (2022). What is democratic backsliding? *Wiley Constellations*. 1-15. DOI: 10.1111/1467-8675.12627nn