



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

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

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Item 3 of the provisional agenda\*

**Finalization and harmonization of the self-assessment  
questionnaires for the review of the implementation of the  
United Nations Convention against Transnational Organized  
Crime and the Protocols thereto**

## Self-assessment questionnaire for the United Nations Convention against Transnational Organized Crime

### Draft text by the Chair

#### General guidance for replying to the questionnaire

- States will be reviewed based on the information they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, annexed to Conference resolution 9/1. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents, or brief descriptions of them, which are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes”, and under any other question, where appropriate.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms are appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations which are identical or similar to those under the

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



United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

- The provisions of the Organized Crime Convention and the Protocols thereto entail various degrees of requirements. In accordance with the procedures and rules, the Implementation Review Mechanism shall progressively address all the articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and while reviewing them in the following phases of the country review.

## I. General information

1. Has your country designated a central authority pursuant to article 18, paragraph 13?

Yes  No

If the answer is “Yes”, please provide any available information related to the name and address of such authority or authorities.

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2. Has your country informed the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States parties in developing measures to prevent transnational organized crime (art. 31, para. 6)?

Yes  No

If the answer is “Yes”, please provide any available information related to the name and address of such authority or authorities.

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## II. Definitions and criminalization under the Convention

### A. Definitions

3. Does your country’s legislation include the definitions set forth in article 2?

Yes  Yes, in part  No

Please explain.

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4. Does your legislation permit your country to implement the Convention without adopting definitions?

Yes  Yes, in part  No

Please explain.

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

5. Is participation in an organized criminal group criminalized under your domestic legislation in accordance with article 5?

Yes  No

(a) If the answer to question 5 is “Yes”, does participation in an organized criminal group consist of agreeing with one or more other persons to commit a serious crime in order to obtain — directly or indirectly — a financial or other material benefit?

Yes  Yes, in part  No

(b) If the answer to question 5 (a) is “Yes”, does the criminal offence as provided in your domestic law require an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, para. 1 (a)(i))?

Yes  Yes, in part  No

(c) If your domestic law requires an act in furtherance of the agreement, has your country so informed the Secretary-General of the United Nations as required in paragraph 3 of article 5?

Yes  No

(d) If the answer to question 5 is “Yes”, does participation in an organized criminal group consist of taking an active part in the criminal activities of an organized criminal group with knowledge of either the aim and general criminal activity of that group or its intention to commit the crimes concerned, or taking an active part in other activities of an organized criminal group in the knowledge that such participation will contribute to the achievement of the criminal aim of that group (art. 5, para. 1 (a)(ii))?

Yes  Yes, in part  No

Please explain, if needed.

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6. Does your country’s legislation establish as criminal offences the acts of organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group (art. 5, para. 1 (b))?

Yes  Yes, in part  No

Please explain, if needed.

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

7. Is the laundering of proceeds of crime criminalized under your domestic legislation in accordance with article 6, paragraph 1 (a), of the Convention?

Yes  Yes, in part  No

(a) If the answer is “Yes, in part”, please specify the manner in which the laundering of proceeds of crime is criminalized under your domestic legislation.

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(b) If the answer is “Yes”, are all serious crimes and the offences covered by the Convention and the Protocols to which your State is a party predicate offences under your domestic legislation to the offence of money-laundering (art. 6, paras. 2 (a) and (b))?

Yes  Yes, in part  No

(c) If the answer is “Yes, in part”, please specify which of the offences covered by the Convention and the Protocols to which your State is a party are not predicate offences under your domestic legislation to the offence of money-laundering.

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Please provide information on the scope of predicate offences set out in your national legislation (art. 6, para. 2).

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8. Does your legislation include predicate offences committed outside your jurisdiction (art. 6, para. 2 (c))?

Yes  Yes, in part  No

If the answer is “Yes” or “Yes, in part”, please describe the conditions under which a predicate offence committed in a foreign jurisdiction may be recognized pursuant to your domestic law.

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9. Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime, criminalized under your domestic legislation (art. 6, para. 1 (b)(i))?

Yes  Yes, in part  No

Please explain briefly.

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10. Are participation in, association with and conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of a money-laundering offence criminalized under your domestic legislation (art. 6, para. 1 (b)(ii))?

Yes  Yes, in part  No

Please explain briefly.

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11. Has your country furnished copies of its laws that give effect to article 6 and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations?

Yes  No

If the answer is “Yes”, please provide the link.

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If the answer is “No”, kindly provide this information.

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12. Do the fundamental principles of your domestic law require that the offences set forth in paragraph 1 of article 6 cannot apply to the persons that committed the predicate offence (art. 6, para. 2 (e))?

Yes  Yes, in part  No

#### **D. Criminalization of corruption (art. 8)**

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the United Nations Convention against Corruption. [States parties that are parties to the Convention against Corruption may wish to update the information provided during the review of that Convention.]

13. Is active bribery of a public official criminalized under your domestic legislation (art. 8, para. 1 (a))?

Yes  Yes, in part  No

Please explain briefly.

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14. Is passive bribery of a public official criminalized under your domestic legislation (art. 8, para. 1 (b))?

Yes  Yes, in part  No

15. Is bribery involving a foreign public official or international civil servant criminalized under your domestic legislation (art. 8, para. 2), [taking into account that

the Convention provides that States parties shall consider adopting such legislative and other measures as may be necessary]?

Yes  Yes, in part  No

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16. Is participation as an accomplice in bribery offences criminalized under your domestic legislation (art. 8, para. 3)?

Yes  No

**E. Criminalization of obstruction of justice (art. 23)**

17. Is obstruction of justice criminalized under your domestic legislation in accordance with article 23 of the Convention?

Yes  Yes, in part  No

If the answer is “Yes, in part” or “No”, please specify the manner in which obstruction of justice is criminalized under your domestic legislation. [or: Please explain briefly.]

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**III. Law enforcement and the judicial system**

**A. Liability of legal persons (art. 10)**

18. Is liability of legal persons established under your domestic legislation in accordance with article 10 of the Convention?

Yes  Yes, in part  No

(a) If the answer is “Yes”, is this liability:

(i) Criminal?

Yes  No

and/or

(ii) Civil?

Yes  No

and/or

(iii) Administrative?

Yes  No

(b) What kind of sanctions are provided for in your country’s legislation? Please list them.

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## B. Prosecution, adjudication and sanctions, and establishment of criminal record (arts. 11 and 22)

19. Does your country make the commission of offences covered by the Convention liable to sanctions that take into account the gravity of those offences (art. 11, para. 1)?

Yes  No

20. Has your country established, where appropriate, a long statute of limitations period in which to commence proceedings for any offence covered by the Convention and a longer period where the alleged offender has evaded the administration of justice (art. 11, para. 5)?

Yes  Yes, in part  No

Please specify the type of measures adopted by your country.  
[or: Please explain briefly.]

21. Has your country taken measures to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings (art. 11, para. 3)?

Yes  No

## C. Confiscation and seizure

22. Does your domestic legislation enable confiscation of:

(a) Proceeds of crime – as defined in art. 2 (e)<sup>1</sup> – derived from offences covered by the Convention (art. 12, para. 1 (a))?

Yes  No

(b) Other property the value of which corresponds to that of proceeds of crime derived from offences covered by the Convention (art. 12, para. 1 (a))?

Yes  No

(c) Property equipment or other instrumentalities used in or destined for use in offences covered by the Convention (art. 12, para. 1 (b))?

Yes  No

<sup>1</sup> Proceeds of crime shall mean any property derived from or obtained, directly or indirectly, through the commission of those offences.

(d) Proceeds of crime transformed or converted into other property (art. 12, para. 3)?

Yes  No

(e) Proceeds of crime intermingled with property acquired from legitimate sources (art. 12, para. 4)?

Yes  No

23. Does your domestic legal framework allow for confiscation without a prior conviction of the offender?

Yes  No

If the answer is “Yes”, please provide information on the pertinent legislative framework and on the required standard of proof.

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24. Does your domestic legislation enable the identification, tracing, freezing or seizure of items described in question 22 for the purpose of eventual confiscation (art. 12, para. 2)?

Yes  No

25. Does your domestic legislation permit shifting the burden of proof to the defendant to show that alleged proceeds of crime were derived from legitimate sources (art. 12, para. 7)?

Yes  No

If the answer is “Yes”, please provide information on the conditions under which your domestic legal framework permits shifting the burden of proof to the defendant.

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26. Does your domestic legislation empower the courts or authorities to make available or seize bank, financial or commercial records for:

(a) The investigation or prosecution of offences covered by the Convention in your country?

Yes  No

(b) Securing confiscation in your country (art. 12, para. 6)?

Yes  No

#### **D. Jurisdiction (art. 15)**

27. Are there any circumstances under which your country does not have jurisdiction over offences committed in its territory (art. 15, para. 1 (a))?

Yes  No



If the answer is “Yes”, please specify the circumstance(s) under which your country does not have jurisdiction over offences committed in its territory.

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28. Does your country have jurisdiction to prosecute the offences covered by the Convention when the offences are committed on board a vessel flying its flag or an aircraft registered under its laws (art. 15, para. 1 (b))?

Yes  Yes, in part  No

If the answer is “Yes” or “Yes, in part”, please specify the manner in which your country has jurisdiction to prosecute the offences covered by the Convention as per article 15, paragraph 1 (b).

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29. Does your national legislation allow for the following extraterritorial jurisdictional bases?

(a) Jurisdiction to prosecute the offences covered by the Convention when committed outside its territory by its nationals (or stateless persons who have habitual residence in the country) (art. 15, para. 2 (b))?

Yes  No

(b) Jurisdiction to prosecute the offences covered by the Convention when committed outside its territory against its nationals (art. 15, para. 2 (a))?

Yes  No

(c) Jurisdiction to prosecute participation in an organized criminal group that occurred outside its territory with a view to the commission of a serious crime (art. 2, para. (b)) within its territory (art. 15, para. 2 (c)(i))?

Yes  No

(d) Jurisdiction to prosecute ancillary offences related to money-laundering offences committed outside its territory with a view to the commission of the laundering of criminal proceeds in its territory (art. 15, para. 2 (c)(ii))?

Yes  No

#### **E. Protection of witnesses, and assistance to and protection of victims (arts. 24 and 25)**

30. Does your country’s legal system enable the provision of protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention (art. 24, para. 1)?

Yes  No

31. If the answer to question 30 is “Yes”, does your country’s legal system extend protection to relatives of witnesses or other persons close to them?

Yes  No

If the answer is “Yes”, please specify the manner in which your country’s legal system extends protection to relatives of witnesses or other persons close to them.

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32. If the answer to question 30 is “Yes”, does your country’s legal system enable:

(a) The establishment of procedures for the physical protection of witnesses, for example, their relocation and the non-disclosure or limitations on the disclosure of information concerning their identity and whereabouts (art. 24, para. 2 (a))?

Yes  No

If the answer is “Yes”, please specify and provide any available information on constitutional or other basic legal requirements existing in your country’s legal system, if any, and related to the protection of basic rights of the defendant on the one hand and implementing protective measures for witnesses.

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(b) The establishment or adjustment of domestic evidentiary rules that would permit witness testimony to be given in a manner that ensures the safety of the witness such as through the use of communication technologies (art. 24, para. 2 (b))?

Yes  No

If the answer is “Yes”, please specify and provide any available information on constitutional or other basic legal requirements existing in your country’s legal system, if any, and related to the protection of basic rights of the defendant on the one hand and implementing protective measures for witnesses.

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33. Has your country taken appropriate measures within its means to provide assistance and protection to victims of offences covered by the Convention,<sup>2</sup> in particular in cases of threat of retaliation or intimidation (art. 25, para. 1)?

Yes  No

If the answer is “Yes”, please specify the definition of victims and the relevant provisions in your country.

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34. Has your country established appropriate procedures to provide access to compensation and restitution for victims of offences covered by the Convention (art. 25, para. 2)?

Yes  No

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<sup>2</sup> Offences covered under the Convention include those established pursuant to the relevant protocols to which the State is a party.

If the answer is “Yes”, please specify the appropriate procedures to provide access to compensation and restitution for victims of offences covered by the Convention.

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35. Does your country’s domestic law enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders involved in organized criminal activities in a manner not prejudicial to the rights of the defence (art. 25, para. 3)?

[or: Has your country, subject to domestic law, enabled the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders involved in organized criminal activities in a manner not prejudicial to the rights of the defence (art. 25, para. 3)?]

Yes  No

36. Has your country entered into agreements or arrangements with other States for the relocation of witnesses and/or victims, insofar as they are witnesses and, as appropriate, for their relatives and other persons close to them in order to ensure their physical protection from potential retaliation or intimidation (art. 24)?

Yes  No

[Or question to be moved under best practices – question 120]

## **F. Measures related to the investigation of cases of transnational organized crime**

37. Does your country’s domestic legal system, within its possibilities and under the conditions prescribed by its domestic law for the purpose of effectively investigating and combating organized crime, in particular, and in accordance with article 20, paragraph 1, allow for the appropriate use of special investigative techniques, such as:

(a) Controlled delivery?

Yes  No

and/or, where it deems appropriate

(b) Electronic or other forms of surveillance?

Yes  No

and/or

(c) Undercover operations?

Yes  No

Please explain:

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Furthermore, provide any available information on the judicial control applicable to the aforementioned special investigative techniques.

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If the answer to question 37 (b) is “Yes”, please provide – if possible – information related to electronic surveillance in your country, in particular as it relates to the sharing of this information with foreign law enforcement.

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38. Does your country take measures to encourage persons who participate or have participated in organized criminal groups to provide information useful to competent authorities for investigative and evidentiary purposes or any other concrete help that may contribute to depriving organized criminal groups of their resources or proceeds of crime (art. 26, para. 1)?

Yes  No

(a) If the answer to question 38 is “Yes”, does your country’s domestic legal system provide for the possibility of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention (art. 26, para. 2)?

Yes  No

(b) If the answer to question 38 is “Yes”, does your country’s legal system provide for the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention (art. 26, para. 3)?

Yes  No

39. With regard to question 38, has your country entered into any bilateral or multilateral agreement or arrangement with other States parties concerning the treatment (with regard to mitigating punishment or granting immunity) of persons who can provide substantial cooperation to the competent law enforcement and investigative authorities of either contracting party (art. 26, para. 5)?

Yes  No

## IV. International cooperation in criminal matters

### A. Extradition (art. 16)

40. In your country, is extradition granted:

(a) By statute?

Yes  No

and/or

(b) By treaty or other agreement or arrangement (multilateral or bilateral)?

Yes  No

and/or

(c) By virtue of reciprocity or comity?

Yes  No

41. If the answer to question 40 (b) is “Yes”, does your country use the Convention as a legal basis for cooperation on extradition with other States parties to the Convention (art. 16, para. 5 (a))?

Yes  Yes, under conditions  No  Not applicable

Please explain.

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If the answer to question 41 is “Yes” or “Yes, under conditions”, has your country communicated this to the Secretary-General of the United Nations?

Yes  No

42. If your answer to question 41 is “No”, has your country, in appropriate cases, sought to conclude treaties on extradition (art. 16, para. 5 (b))?

Yes  No

43. If extradition in your country is conditional on the existence of a treaty, have the offences set forth in the Convention in practice been deemed to be extraditable offences in bilateral or multilateral treaties (art. 16, para. 3)?

Yes  Yes, under conditions  No  Not applicable

44. If in your country extradition is granted by statute, does that statute cover all offences set forth in the Convention as extraditable offences (art. 16, para. 6)?

Yes  Yes, under conditions  No  Not applicable

45. What are the conditions provided for in your domestic law for granting extradition, including the minimum penalty requirement (as the threshold to identify extraditable offences) and the grounds on which your country may refuse extradition (art. 16, para. 7)?

Please specify.

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46. Is the double criminality requirement established in your domestic legal framework for granting an extradition request (art. 16, para. 1)?

Yes  Yes, in part  No

If the answer is “Yes, in part”, please explain how or to what extent the double criminality principle is required for granting an extradition request.

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47. Does your domestic legal system provide for specific evidentiary requirements for granting an extradition request (art. 16, para. 8)?

Yes  Yes, in part  No

If the answer is “Yes” or “Yes in part”, please specify which specific evidentiary requirements are provided for in your domestic legal framework for granting an extradition request.

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48. Does your domestic legal system provide for simplified evidentiary requirements in relation to any offence to which this article applies (art. 16, para. 8)?

Yes  No

If the answer is “Yes”, please provide information on simplified evidentiary requirements available in your country and under which conditions these proceedings apply.

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49. Does your domestic legal system provide for expedited extradition procedures in relation to any offence to which this article applies (art. 16, para. 8)?

Yes  Yes, in part  No

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50. Are simplified extradition proceedings available in your country to expedite extradition proceedings (art. 16, para. 8)?

Yes  No

If the answer is “Yes”, please provide information on simplified extradition proceedings available in your country and under which conditions these proceedings apply.

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51. Does your country refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters (art. 16, para. 15)?

Yes  No

If the answer is “Yes”, please specify in which circumstances a request for extradition could be refused on the sole ground that the offence is also considered to involve fiscal matters.

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52. If your country does not extradite its nationals, is it able to establish jurisdiction over offences covered by the Convention when those offences are committed by its nationals outside its territory (art. 15, para. 3, and art. 16, para. 10)?

Yes  Yes, in part  No

53. If your country does not extradite an alleged offender on any ground other than the nationality of the offender, is it able to establish jurisdiction over offences covered by the Convention when those offences are committed by that person outside its territory (art. 15, para. 4)?

Yes  Yes, in part  No

54. Is conditional surrender in accordance with article 16, paragraph 11, of the Convention available in your country?

Yes  No

55. If your country does not extradite its nationals, does your domestic legal system permit, upon application of the requesting State, enforcing the sentence that has been imposed to the person sought under the domestic law of the requesting State (art. 16, para. 12)?

Yes  Yes, in part  No

If the answer is "Yes, in part" or "No", please explain:

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56. Before refusing extradition, does your country consult, where appropriate, with the requesting State to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation (art. 16, para. 16)?

Yes  No

## B. Mutual legal assistance (art. 18)

57. In your country, is mutual legal assistance afforded:

(a) By statute?

Yes  No

and/or

(b) By treaty or other agreement or arrangement (multilateral or bilateral)?

Yes  No

and/or

(c) By virtue of reciprocity or comity?

Yes  No

58. Does your country afford mutual legal assistance with respect to investigations, prosecutions and judicial proceedings in relation to offences covered under this Convention involving legal persons (art. 18, para. 2)?

Yes  No

59. Does your country apply the provisions of article 18 of the Convention, including paragraphs 9 to 29 thereof, in order to provide mutual legal assistance to

other States parties to the Convention with which it does not have another mutual legal assistance treaty in force (art. 18, para. 7)?

Yes  No

If the answer is “Yes, in part”, please specify which paragraphs would not apply.

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60. Does your country accept or provide mutual legal assistance to, and otherwise cooperate with, supranational judicial authorities designated by States parties for the purpose of article 18, paragraph 13?

Yes  Yes, in part  No

If the answer is “Yes, in part”, please specify.

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61. Which of the following types of mutual legal assistance does your country provide (art. 18, para. 3):

(a) Taking evidence or statements from persons, including hearings, by videoconference as an effective alternative?

Yes  No

and/or

(b) Effecting service of judicial documents?

Yes  No

and/or

(c) Executing searches and seizures, and freezing?

Yes  No

and/or

(d) Examining objects and sites?

Yes  No

and/or

(e) Providing information, evidentiary items and expert evaluations?

Yes  No

and/or

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records?

Yes  No

and/or

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes?

Yes  No

and/or



(h) Facilitating the voluntary appearance of persons in the requesting State party?

Yes  No

and/or

(i) Any other type of assistance that is not contrary to your domestic law?

Yes  No

Please specify:

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62. Has your country entered into any bilateral or multilateral agreements or arrangements on mutual legal assistance, or does your domestic legal system provide for the possibility of conducting a hearing by videoconference where it is not feasible or desirable for the witness or expert to appear in person before the judicial authorities of the foreign State (art. 18, para. 18)?

Yes  No

63. Is bank secrecy a ground for refusal of a mutual legal assistance request under your domestic legal framework (art. 18, para. 8)?

Yes  No

If the answer is “Yes”, please explain in which circumstances bank secrecy can be a ground for refusal of a mutual legal assistance request.

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64. Is the provision of mutual legal assistance subject to the double criminality requirement according to your domestic legal framework (art. 18, para. 9)?

Yes  Yes, in part  No

If the answer is “Yes” or “Yes, in part”, please specify how the provision of mutual legal assistance can be subject to the requirement of double criminality, especially in relation to mutual legal assistance involving coercive and non-coercive measures.

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65. Does your country refuse a mutual legal assistance request on the sole ground that the offence is also considered to involve fiscal matters (art. 18, para. 22)?

Yes  Yes, in part  No

If the answer is “Yes” or “Yes, in part”, please specify the circumstances under which a request for mutual legal assistance is refused on the sole ground that the offence is also considered to involve fiscal matters.

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66. Are any of the grounds for refusal of a mutual legal assistance request provided for in article 18, paragraph 21, of the Convention applicable in your domestic legal framework?

Yes  Yes, in part  No

67. If grounds for refusal of a mutual legal assistance request other than those provided for in article 18, paragraph 21, of the Convention are applicable in your domestic legal framework, please explain what those other grounds are.

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68. Are the requirements of your domestic legal system for a mutual legal assistance request consistent with the requirements of article 18, paragraph 15?

Yes  No

If you have additional requirements, please consider providing those to the Secretariat.

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69. Is your country able to comply with the requirements set forth in paragraph 17 of article 18, including, to the extent possible under domestic law, in accordance with the procedures specified in the request?

Yes  No

**C. Transfer of criminal proceedings (art. 21)**

70. Is your country able to receive or transfer criminal proceedings, in particular in the two following situations:

(a) To avoid impunity?

Yes  No

(b) To concentrate prosecution?

Yes  No

**D. Transfer of sentenced persons (art. 17)**

71. Has your country concluded any bilateral or multilateral agreements or arrangements on the transfer of sentenced persons for offences covered by the Convention (art. 17)? If so, please provide a list of such agreements or arrangements.

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**E. Joint investigations (art. 19)**

72. Has your country entered into any bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigation,

prosecution or judicial proceedings in one or more States parties, the competent authorities concerned may establish joint investigative bodies (art. 19)?

Yes  No

73. Does your national legislation provide a legal basis for the establishment of joint investigative bodies?

Yes  No

74. In the absence of any agreement or arrangement of the sort referred to question 72, does your country permit joint investigations on a case-by-case basis?

Yes  No

## **F. Special investigative techniques (international aspects of art. 20)**

75. States are invited to provide, where appropriate, information concerning whether they have concluded any bilateral, or acceded to any multilateral, agreements or arrangements for the use of special investigative techniques, in the context of international cooperation to combat transnational organized crime (art. 20, para. 2).

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76. States are invited to share information about whether, in the absence of any agreement or arrangement of the sort referred to in question 75, they permit the use of special investigative techniques at the international level on a case-by-case basis (art. 20, para. 3).

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## **G. International cooperation for purposes of confiscation (art. 13)**

77. Does your country's domestic legal system permit confiscation of the proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, at the request of another State party?

Yes  Yes, in part  No

78. Does your country's legal framework permit confiscation of proceeds of crime that have been transformed or converted into other property (art. 12, para. 3), or intermingled with property acquired from legitimate sources (art. 12, para. 4), at the request of another State party?

Yes  Yes, in part  No

If the answer is "Yes, in part", please specify any challenges encountered in confiscating the proceeds of crime at the request of another State party.

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In particular, please specify if your country’s domestic legal framework permits confiscation at the request of another State party without a prior conviction of the offender.

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79. If the answer to question 78 is “Yes”:

(a) Is the request submitted to the competent authorities of your country for the purpose of obtaining a domestic order of confiscation (art. 13, para. 1 (a))?

Yes  No

(b) Is the request submitted to the competent authorities of your country for direct enforcement (art. 13, para. 1 (b))?

Yes  No

80. Does your domestic legal system enable the competent authorities to identify, trace and freeze, and seize the proceeds of crime, as described under question 24 for the purpose of eventual confiscation, at the request of another State party?

Yes  Yes, in part  No

If the answer is “Yes, in part”, please specify any challenges encountered in identifying, tracing and freezing, and seizing the proceeds of crime, at the request of another State party.

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81. If any legal grounds for refusal specific to a request for cooperation for the purposes of confiscation are provided for in your domestic legal system, please explain what those grounds are (art. 13, paras. 3 and 7, and art. 18, para. 21).

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82. What information does your domestic legal system require for inclusion in a request for cooperation for the purposes of confiscation other than those enumerated in article 13, paragraph 3, and article 18, paragraph 15 (art. 13, para. 3)?

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

83. Does the legislation of your country permit the return of confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or the return of such proceeds of crime or property to their legitimate owners (art. 14, para. 2)?

Yes  Yes, in part  No

If the answer is “Yes, in part”, please explain the manner in which the legislation in your country permits the return of such confiscated proceeds of crime or property for the purposes stated above.

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84. Are there any agreements or arrangements in force with other States that enable the disposal of confiscated proceeds of crime or property upon request of the other State (art. 14, para. 3)?

Yes  No

85. Are there any agreements or arrangements in force with other States that enable the sharing of proceeds of crime with those States (art. 14, para. 3 (b))?

Yes  No

### **I. International cooperation against money-laundering (art. 7)**

86. Does your country’s domestic legal system enable the administrative, regulatory, law enforcement or, where appropriate, judicial authorities in charge of efforts against money-laundering to cooperate and exchange information at the international level (art. 7, para. 1 (b))?

Yes  No

Please describe the channels used for exchange of information.

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87. Does your country participate in any global, regional, subregional or bilateral frameworks geared towards promoting cooperation between judicial, law enforcement and financial regulatory authorities in order to combat money-laundering (art. 7, para. 4)?

Yes  No

If the answer is “Yes”, please provide some examples.

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### **J. International law enforcement cooperation (art. 27)**

88. Have the competent authorities of your country established or enhanced, where necessary, channels of communication with their counterparts in other States parties in order to facilitate the secure and rapid exchange of information concerning all aspects of offences covered by the Convention, including, where appropriate, links with other criminal activities (art. 27, para. 1 (a))?

Yes  No

89. Has your country taken any measures to promote law enforcement cooperation with other States parties in conducting inquiries with respect to offences covered by the Convention (art. 27, para. 1 (b)), in particular in relation to:

(a) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned?

Yes  No

and/or

(b) The movement of proceeds of crime or property derived from the commission of such offences?

Yes  No

and/or

(c) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences?

Yes  No

90. Has your country adopted any measures to provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes (art. 27, para. 1 (c))?

Yes  No

91. Has your country adopted any measures to facilitate effective coordination with law enforcement authorities of other States parties and to promote the exchange of personnel or the posting of liaison officers (art. 27, para. 1 (d))?

Yes  No

92. Has your country adopted any measures to promote the exchange of information with other States parties on specific means and methods used by organized criminal groups, including routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities (art. 27, para. 1 (e))?

Yes  No

93. Has your country adopted any measures to promote the exchange of information and the coordination of administrative measures with other States parties for the purpose of early identification of the offences covered by the Convention (art. 27, para. 1 (f))?

Yes  No

94. Has your country entered into any bilateral or multilateral agreements or arrangements on direct cooperation between law enforcement agencies (art. 27, para. 2)?

Yes  No

95. In the absence of any agreement or arrangement, would your country consider the Convention as the legal basis for mutual law enforcement cooperation in respect of the offences covered by it (art. 27, para. 2)?

Yes  No

96. Have the competent authorities of your country been involved in international law enforcement cooperation to combat transnational organized crime committed through the use of modern technology (art. 27, para. 3)?

Yes  No

## V. Prevention, technical assistance and other matters

### A. Money-laundering (art. 7)

97. Has your country instituted a domestic regulatory and supervisory regime for banks and non-bank financial institutions or other bodies particularly susceptible to money-laundering in order to detect and deter all forms of money-laundering (art. 7, para. 1 (a))?

Yes  No

If the answer is “Yes”, please identify the institutions to which such a regime is applicable.

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If the answer is “Yes”, does your country’s regime require:

(a) Customer identification?

Yes  No

If the answer is “Yes”, please specify the customer identification required by your country’s regime.

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(b) Record-keeping?

Yes  No

If the answer is “Yes”, please specify the record-keeping required by your country’s regime

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(c) Reporting of suspicious transactions?

Yes  No

If the answer is “Yes”, kindly provide examples on, inter alia, the criteria used for identifying suspicious transactions or the sanctions imposed for non-compliance with reporting requirements.

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98. Does your country’s legal framework enable the administrative, regulatory, law enforcement or judicial authorities in charge of efforts against money-laundering to cooperate and exchange information at the national level (art. 7, para. 1 (b))?

Yes  No

If the answer is “Yes”, has a financial intelligence unit been established in your country to serve as a national centre for the collection, analysis and dissemination of information related to money-laundering activities?

Yes  No

If the answer is “Yes”, please provide information on the financial intelligence unit established in your country.

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99. Has your country implemented measures to detect and monitor the movement of cash and appropriate negotiable instruments across its borders (art. 7, para. 2)?

Yes  No

If the answer is “Yes”, please specify and provide, in particular, any available information on safeguards to ensure the proper use of information and the unimpeded movement of legitimate capital.

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## **B. Corruption (art. 9)**

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the United Nations Convention against Corruption. [States parties that are parties to the Convention against Corruption may wish to update the information provided during the review of the Convention against Corruption.]

100. Has your country adopted measures to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

Yes  No

If the answer is “Yes”, please specify the measures implemented to promote integrity and to prevent, detect and punish the corruption of public officials.

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101. Has your country taken measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions (art. 9, para. 2)?

Yes  No

If the answer is “Yes”, please specify the measures implemented to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials including providing such authorities with



adequate independence to deter the exertion of inappropriate influence on their actions.

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### C. Other preventive measures

102. Has your country established or considered establishing a practice of analysing, in consultation with the scientific and academic communities, trends in organized crime within its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved (art. 28, para. 1)?

Yes  No

If the answer is “Yes”, kindly provide examples.

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103. Does your country monitor its policies and actual measures to combat organized crime and make assessments of their effectiveness and efficiency (art. 28, para. 3)?

Yes  No

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104. Has your country initiated, developed or improved training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, as well as other personnel charged with the prevention, detection and control of the offences covered by the Convention (art. 29, para. 1)?

Yes  No

If the answer is “Yes”, kindly provide examples.

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Please also specify whether the following are included in such training programmes:

(a) Secondment and exchanges of staff;

Yes  No

(b) Methods used in the prevention, detection and control of the offences covered by the Convention;

Yes  No

(c) Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures;

Yes  No

(d) Monitoring of the movement of contraband;

Yes  No

(e) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;

Yes  No

(f) Collection of evidence;

Yes  No

(g) Control techniques in free trade zones and free ports;

Yes  No

(h) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;

Yes  No

(i) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology;

Yes  No

(j) Methods used in the protection of victims and witnesses;

Yes  No

105. Has your country promoted training and technical assistance to facilitate extradition and mutual legal assistance (art. 29, para. 3)?

Yes  No

If the answer is “Yes”, kindly provide examples and/or best practices on the promotion of training.

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If the answer is “Yes”, kindly provide examples and/or best practices on technical assistance.

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Please also specify whether the following are included in such training and technical assistance:

(a) Language training;

Yes  No

(b) Secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities;

Yes  No

106. Has your country developed any national projects or established and promoted best practices and policies aimed at the prevention of transnational organized crime (art. 31, para. 1)?

Yes  No

If the answer is “Yes”, please provide some examples.

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107. Has your country adopted measures to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime (art. 31, para. 2), including the following:

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry?

Yes  No

and/or

(b) The promotion of 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, in particular lawyers, notaries public, tax consultants and accountants?

Yes  No

and/or

(c) The prevention of the misuse of legal persons by organized criminal groups, in particular by:

(i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons and the exchange of information contained therein?

Yes  No

and/or

(ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by the Convention from acting as directors of legal persons domiciled in your country’s jurisdiction?

Yes  No

(iii) The establishment of national records of persons disqualified from acting as directors of legal persons and the exchange of information contained therein?

Yes  No

If the answer is “Yes”, please specify and list relevant measures.

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108. Does your country’s domestic legal system enable the reintegration into society of persons convicted of offences covered by the Convention (art. 31, para. 3)?

Yes  No

If the answer is “Yes”, please specify the manner in which your country’s legislation enables the reintegration into society of persons convicted of offences covered by the Convention.

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109. Have your country’s competent authorities taken any action to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31, para. 4)?

Yes  No

If the answer is “Yes”, kindly provide examples.

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110. Have your country’s competent authorities taken any action to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime, as well as public participation in preventing and combating such crime (art. 31, para. 5)?

Yes  No

If the answer is “Yes”, kindly provide examples.

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111. Has your country been involved in collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations in order to promote and develop measures to prevent transnational organized crime and, in particular, to alleviate the circumstances that render socially marginalized groups vulnerable to the action of such crime (art. 31, para. 7)?

Yes  No

If the answer is “Yes”, please provide examples of collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations.

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112. Has your country developed and shared analytical expertise concerning organized criminal activities with other States parties and through international and regional organizations? If so, were common definitions, standards and methodologies developed and applied (art. 28, para. 2)?

Yes  No

If the answer is “Yes”, kindly provide examples of the sharing of expertise that have been developed by your country and shared by your country with other States parties and through international and regional organizations.

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113. Has your country assisted other States parties in planning and implementing research and training programmes designed to share expertise in the areas referred to in article 29, paragraph 1, of the Convention (art. 29, para. 2)?

Yes  No

If the answer is “Yes”, kindly provide examples.

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114. Has your country been involved in efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements (art. 29, para. 4)?

Yes  No

If the answer is “Yes”, kindly provide examples.

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115. Has your country cooperated with developing countries and countries with economies in transition to strengthen their capacity to prevent and combat transnational organized crime, as well as in providing them with technical assistance in order to implement the Convention (art. 30, para. 2)?

Yes  No

If the answer is “Yes”, kindly provide best practices or examples.

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116. Has your country concluded any bilateral or multilateral agreements or arrangements on material and logistical assistance for the prevention, detection and control of transnational organized crime (art. 30, para. 4)?

Yes  No

Please provide a separate answer for each relevant subsection.

II. Definitions and criminalization under the Convention

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III. Law enforcement and the judicial system

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IV. International cooperation in criminal matters

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V. Prevention, technical assistance and other matters

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## VI. Difficulties encountered and assistance required

### A. Difficulties encountered

117. Has your country encountered any difficulties in implementing its obligations under the Convention?

Yes  No

If “Yes”, please specify:

- Problems with the formulation of legislation
- Need for further implementing legislation (laws, regulations, decrees, etc.)
- Reluctance of practitioners to use existing legislation
- Insufficient dissemination of existing legislation
- Limited inter-agency coordination
- Specificities of the legal system
- Competing priorities for the national authorities
- Limited resources for the implementation of existing legislation
- Limited cooperation with other States
- Lack of awareness of the existing legislation
- Other issues (please specify)

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118. States are kindly invited to share examples of their positive experiences or good practices in applying the Convention, in particular with regard to:

- (a) The possibility of confiscating companies and corporate assets where proceeds of crime are intermingled with property acquired from legitimate sources (art. 12, para. 4);

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(b) The possibility of confiscating income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled (art. 12, paras. 4 and 5);

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Please specify if the words “other benefits” encompass any economic advantage derived or obtained through the commission of an offence.

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(c) The possibility of confiscating legal rights and interests of an enforceable nature (see art. 12 in conjunction with art. 2, subpara. (d));

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(d) The use of non-conviction-based confiscation and the related international judicial cooperation (arts. 12 and 13);

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(e) Any other type of assistance that is not contrary to its domestic law (art. 18, para. 3 (i));

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(f) Transfer of criminal proceedings (art. 21);

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(g) Bilateral or multilateral agreements or arrangements for the establishment of joint investigative bodies (art. 19);

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(h) Bilateral or multilateral agreements or arrangements on disposal or sharing of confiscated assets (art. 14);

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(i) Bilateral or multilateral agreements or arrangements on direct cooperation between law enforcement agencies (art. 27, para. 2);

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(j) Extradition of the nationals of the requested State to another country (art. 16, para. 10);

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(k) How the provision of mutual legal assistance can be subject to the requirement of double criminality, especially in relation to mutual legal assistance involving coercive and non-coercive measures (art. 18, para. 9);

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119. States are kindly invited to share examples of their positive experiences and good practices in applying the Convention.

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## B. Need for technical assistance

120. Does your country require technical assistance to overcome difficulties in implementing the Convention?

Yes  No

(a) If the answer is “Yes”, please specify the type of technical assistance needed;

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(b) Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed:

- Legal advice
- Legislative drafting support
- Model legislation(s) or regulation(s)
- Model agreement(s)
- Standard operating procedures
- Development of strategies or policies, including action plans
- Dissemination of good practices or lessons learned



- Capacity-building through the training of practitioners or trainers
- On-site assistance by a mentor or relevant expert
- Institution-building, or the strengthening of existing institutions
- Prevention and/or awareness-raising
- Technological assistance
- Establishment of databases
- Measures to enhance regional cooperation
- Measures to enhance international cooperation
- Other assistance (please specify)

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121. Please provide separate answer for each relevant subsection

II. Definitions and criminalization under the Convention

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III. Law enforcement and the judicial system

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IV. International cooperation in criminal matters

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V. Prevention, technical assistance and other matters

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## VII. Other information

122. Please provide any other information you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider at the present stage regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above.

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