United Nations CTOC/COP/2006/2/Rev.1

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

Distr.: General
1 September 2008

Original: English

Fourth session
Vienna, 8-17 October 2008
**Item 2 (a), (c), (e) and (h) of the provisional agenda*
Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: information-gathering and possible mechanisms to review implementation; expert consultation on international cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities; expert consultation on the protection of victims and witnesses; expert consultation on money-laundering**

Implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle

Report of the Secretariat

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* CTOC/COP/2008/1.

V.08-56315 (E) 110908 120908

I. Introduction

1. In its decision 2/1, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided that in order to support its periodic review of implementation of the Convention,[1] information should be collected on, inter alia, the following topics:

(a) Money-laundering (art. 7 of the Convention);

(b) Investigation of cases of transnational organized crime (arts. 19, 20 and 26);

(c) Protection of witnesses and victims (arts. 24 and 25);

(d) International law enforcement cooperation (art. 27);

(e) Preventive measures (art. 31).

2. The present report is an updated version of the analytical report on the implementation of the Convention that was submitted to the Conference at its third session. It contains an overview and an analysis of all the replies to the relevant questionnaire and checklist received by the Secretariat (for additional information on the checklist, see CTOC/COP/2008/2). It also contains information that highlights the progress made towards meeting the requirements set out in the Convention and some of the difficulties that States are facing in implementing the provisions. Many States also provided copies of their relevant legislation (see annex I). A list of those States whose responses had been received at the time of drafting and that are reflected in the present report is included in annex II. It should be noted that in cases in which no update was received, the responses submitted previously were assumed to still be valid.

II. Overview of reported national action for the implementation of the Convention provisions under consideration

A. Measures to combat money-laundering

1. Domestic measures

(a) Criminalization of the laundering of proceeds of crime

3. Criminalization of the laundering of proceeds of crime pursuant to article 6 of the Convention was addressed under the first reporting cycle (see CTOC/COP/2005/2/Rev.2).[2]

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[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[2] Morocco had also indicated, further to its responses to the questionnaire for the first reporting cycle, that such legislation was under consideration and had yet to be adopted. Azerbaijan had stated in the first reporting cycle that laundering the proceeds of crime was not criminalized in its legislation but it only responded to the portion of the questionnaire for the second cycle addressing international cooperation in combating money-laundering. Poland had indicated in its response to the questionnaire for the first reporting cycle that laundering the proceeds of

(b) Establishment of a domestic regulatory and supervisory regime

4. Article 7 (measures to combat money-laundering), paragraph 1 (a), of the Convention requires States parties to institute a domestic regulatory and supervisory regime for the deterrence and detection of all forms of money-laundering. This regime should be applicable to banks, non-bank financial institutions and, when appropriate, other bodies particularly susceptible to money-laundering. The interpretative notes to the official records (*travaux préparatoires*) of the negotiations for the Convention and the Protocols thereto[3] indicate that the words "other bodies" in article 7 may be understood to include intermediaries, which in some jurisdictions may include stockbroking firms, other dealers of securities, currency exchange bureaux or currency brokers.

5. The vast majority of States (the exceptions being Chad, Morocco (pending legislation) and Togo (pending legislation)) reported the existence of such a regime and provided details on its content.[4] Most States indicated that their domestic regime was applicable to banks and financial institutions (Australia, Benin, Chile, China, Colombia, Comoros, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Estonia, Germany, Guatemala, Ireland, Jordan, Malaysia, Malta, Mexico, Monaco, Myanmar, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Senegal, Serbia,[5] Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay and Zimbabwe).

(c) Specific requirements under the regulatory regime

6. Paragraph 1 (a) of article 7 requires the regulatory regime to be comprehensive and to emphasize customer identification, record-keeping and the reporting of suspicious transactions. According to the interpretative notes, the words "suspicious transactions" may be understood to include unusual transactions that are inconsistent with the customer's business activity, exceed the normally accepted parameters of the market or have no clear legal basis and could constitute or be connected with unlawful activities.[6]

Customer identification

7. All States that responded to the question and whose legislation was not pending stated that customer or client identification was indeed required in domestic legislation, in accordance with the Convention. The requirements for such

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crime was criminalized in its domestic legislation, but it did not provide further responses concerning money-laundering in the second reporting cycle.

[3] *Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (United Nations publication, Sales No. E.06.V.5), p. 73.

[4] Within the ambit of this response, several States responded concerning the relevant national financial intelligence unit. Those responses are addressed in paragraph 15.

[5] From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the national position of the former Serbia and Montenegro.

[6] *Travaux Préparatoires…*, p. 74.

identification, however, varied in nature and in scope. Most States required identification of physical and legal persons, with relevant documentation and verification. Australia explained that, regarding the requirements for opening accounts for a "cash dealer", once the threshold had been reached (in other words the credit balance was in excess of 1,000 Australian dollars or the aggregate of amounts credited was in excess of A$ 2,000 within a 30-day period), the "cash dealer" had to identify and verify the identity of the customer and keep records of that process. Furthermore, reporting entities were required to identify customers when dealing with a significant cash transaction (starting at A$ 10,000). Ecuador and the Russian Federation reported that identification was required for all transactions irrespective of nature, client or amount. Indonesia and Mexico indicated a general obligation for banks to be familiar with their customers under the "know-your-customer" principle, as did Canada, under guidelines provided by its financial intelligence unit. Among those States submitting details, identification of clients was almost always required at the initiation of business or commercial relations, usually consisting in the opening of an account. Several States required, in addition, identification of usual or regular clients.[7] Germany and Latvia indicated that identification was required for clients also when reporting institutions accepted financial resources or valuables for safe-keeping on their behalf. Malaysia indicated that the reporting institutions were required to verify the identity of the account holder when establishing or conducting business relations with regard to both the identity of the person in whose name the transaction was being conducted and the identity of the beneficiary of the transaction. Several States also reported that identification was required when the transaction in question was above a certain threshold amount, generally the equivalent of 10,000-15,000 euros.[8] Transactions in foreign currencies were subject to identification in certain States, as were transactions that gave rise to suspicion of money-laundering and/or terrorism financing (Belgium, Czech Republic, Finland, Latvia, Norway, Peru, Portugal and Slovenia).

Record-keeping

8. All responding States except Burundi indicated that record-keeping was required in domestic legislation. A number of States indicated that business and accounting records generally had to be kept (Czech Republic, Ecuador, Italy, Spain, Sweden and Tunisia). Italy and Latvia reported that such records were to be filed in a centralized database maintained by their respective national financial intelligence unit, while Indonesia indicated that there was no such centralized database. Regarding the records themselves, several States specifically required that data concerning clients be kept by the relevant institutions.[9] The United Republic of Tanzania noted that record-keeping enabled its authorities to collect information on habitual dealers and their syndicates and to facilitate a collective follow-up.

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[7] Belgium, Canada, China (including Macao Special Administrative Region (SAR)), Côte d'Ivoire, Croatia, Egypt, Finland, Germany, Guatemala, Honduras, Italy, Kuwait, Mauritius, Mexico, Myanmar, New Zealand, Norway, Peru, Portugal, Slovenia, South Africa, Spain, Sweden, Tunisia, Turkey, United States and Zimbabwe.

[8] Belgium, Bulgaria, Comoros, Czech Republic, Estonia, Finland, Ireland, Italy, Latvia, New Zealand, Portugal and Slovenia.

[9] Algeria, Finland, Guatemala, Italy, Latvia, Peru, Slovakia, Slovenia, South Africa, Spain, Sweden and Tunisia.

9. A majority of States indicated a specific period of time for the maintenance of such records before they could be destroyed. Among those States, most reported that records were to be kept for five years following the cessation of business or commercial relations or transactions or the date of the last transaction.[10] Croatia specified that, though reporting institutions were to maintain such records for a period of five years, the Croatian Financial Intelligence Unit was to keep them for a period of 10 years. Colombia and Uruguay reported that records had to be kept for 10 years. Germany and Malaysia reported that records had to be kept for a minimum of six years. Nigeria and Slovakia noted that under their national legislation there was an obligation for keeping records for a minimum of five years. Spain indicated that all documents relating to transactions and identification were to be held for six years, with the possibility of a longer period in certain cases provided for by law. Sweden noted that documents concerning identification of customers were to be kept for five years after termination of the relationship, but legal persons had to maintain records on transactions for 10 years under its accounting legislation. Italy reported that all information was to be filed in the centralized database within 30 days and retained for 10 years; Mexico and Tunisia also indicated that the period for maintaining records was 10 years (from termination of accounts); the Macao Special Administrative Region (SAR) of China indicated that the period was 10 years from the date of the transaction; and Slovenia indicated that the period was 12 years from the date such records were obtained. The Russian Federation, while not indicating a specific period for the maintenance of such records, reported that documentation had to be submitted to the authorized body no later than the business day following the day on which a transaction had been performed.

Reporting of suspicious transactions

10. The vast majority of responding States stated that their domestic regulatory and supervisory regime required bodies susceptible to money-laundering to report suspicious transactions, in accordance with the Convention. Only Afghanistan reported that it had no such requirement, without giving any further details. A few States (Belgium, Czech Republic, Ecuador, Finland and Tunisia) indicated that all suspicious transactions were to be reported, without specifying criteria for grounds for suspicion. The majority of responding States provided details as to the nature of such suspicious transactions and criteria for the reporting requirement to the national financial intelligence unit, or another relevant authority. Some also referred to specific domestic legislation on that issue.

11. On the criteria used for determining the suspicious nature of a transaction, several States (China (Macao SAR), Guatemala, Honduras, Ireland, Mexico, Panama, Romania and Slovakia) referred to transactions taking place with an unusual or non-habitual client and to unusual activities. Australia indicated that suspicious transactions usually included a number of factors (such as the nature of the transaction and the known business background or behaviour of the person involved in the transaction) that should be taken into consideration. Benin specifically referred to the interpretative notes in the *Travaux Préparatoires* to the Convention. Colombia considered suspicious transactions to be, inter alia,

[10] Belgium, Bulgaria, Canada, Chile, China, Croatia, Egypt, Estonia, Finland, Honduras, Ireland, Monaco, Myanmar, New Zealand, Norway, Peru, Portugal, Republic of Korea, Slovakia, Thailand, Turkey and United States.

transactions whose characteristics or site did not match the economic activity of the person concerned or raised suspicions of illicit origin. Among transactions involving usual customers, Indonesia reported that criteria for suspicion also included financial transactions deviating from the profile, characteristics or usual patterns of the customer concerned, and transactions performed by customers with reasonable suspicion that they were done so for the purpose of avoiding reporting. Among others, the Democratic Republic of the Congo, Peru, Spain, Sweden and the United States also indicated that abnormal activity or volume of transactions for regular clients was a factor that raised suspicion. Thailand considered transactions to be suspicious when they were of a complex nature, when they were carried out differently from the way similar transactions would ordinarily be carried out, when they lacked a sound economic basis or when they raised suspicions of having been made to circumvent the law against money-laundering or of being connected with a predicate offence, irrespective of whether the transaction was made once or more than once. The Russian Federation provided a list of examples of suspicious transactions. Germany noted that administrative sanctions (in the form of fines) could be enforced for informing the customer or a party other than a public authority of the filing of a report of a suspicious transaction. In addition, since 1993, three licences of financial service institutions in Germany had been revoked, in part because of non-reporting.

12. As far as the transaction itself was concerned, several States reported a threshold amount for reporting. Romania indicated that any transaction of 10,000 euros and above had to be reported. Croatia stated that transactions concerning amounts over 14,000 euros were subject to identification and those over 27,000 euros were to be forwarded to the national financial intelligence unit within three days. Monaco reported that transactions of 100,000 euros or more had to be examined. Spain indicated that the decree implementing its legislation on money-laundering provided for monthly reporting of certain transactions, including those involving amounts of over 30,000 euros and transactions involving certain designated States. Trinidad and Tobago reported on a deposit limit of 10,000 Trinidad and Tobago dollars per transaction. Poland stated that an institution receiving an order from a client to execute a transaction worth more than 15,000 euros should record the transaction. Other States indicated that transactions attracting suspicion in general terms were to be reported. Guatemala noted, for example, that regular transactions without an evident economic or legal basis had to be reported even if the amount of the transaction was not significant. Spain also referred to transactions lacking economic, professional or commercial justification. Indonesia mentioned transactions with assets reasonably suspected of constituting the proceeds of crime. Italy reported that according to its legislation against money-laundering, every transaction that led to the belief that the money, assets or benefits involved might be derived from an intentional crime must be reported to the head of the business, who must then notify the national financial intelligence unit without delay and, where possible, before carrying out the transaction. Latvia indicated a list of elements of an unusual transaction that might be employed as evidence of money-laundering or its attempt, including criteria for notification to the relevant authorities. In the same vein, Slovakia reported a list of criteria for identifying suspicious clients and transactions that could be adjusted to reflect changes in money-laundering methods.

13. While most States indicated that such transactions were to be reported to the relevant financial intelligence unit, Algeria reported that suspicious transactions were to be notified to the prosecuting authorities. The Czech Republic stated that such transactions were reported to the Ministry of Finance. Estonia indicated that reporting to its national financial intelligence unit on the suspicion of money-laundering or terrorism financing was subject to exception for notaries, auditors and advocates when they were at the stage of evaluating a case. Malta noted that suspicions should be communicated as soon as reasonably practicable, but no later than three days after the suspicion first arose. Tunisia noted that reporting institutions also had immunity from prosecution or civil responsibility if they fulfilled their obligations in good faith. A number of States provided specific information as to the time frame for performing reporting obligations. Of those States, Croatia reported that the relevant information was to be forwarded to its national financial unit within three days; Italy (as mentioned in para. 12 above) and Latvia indicated that such transactions were to be notified "without delay". Slovenia stated that information relating to reporting obligations was to be forwarded to its national financial intelligence unit without delay and not later than 15 days after receiving the request for such information, whereas Peru indicated a time frame of 30 days for reporting. Finland further reported that transactions were to be suspended upon suspicion of illegal behaviour and reported to its money-laundering clearing house.

14. Several States (Belgium, Bulgaria, Chile, China (Macao SAR), Germany, Malaysia, Malta, Mexico, New Zealand, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia and Spain) indicated that the violation of reporting requirements was subject to fines or other sanctions. China reported that, following the recent adoption of legislation to counter money-laundering, 350 of the 4,533 financial institutions that were inspected in 2007 by the People's Bank of China were found non-compliant. Canada reported that cases of non-compliance with reporting obligations could be referred to the appropriate law enforcement agency by its financial intelligence unit, incurring a fine for failure to report a prescribed transaction. Chile, Egypt, Gabon, Myanmar, Norway, Peru, Thailand, Turkey and the United Kingdom indicated that failure to comply with reporting requirements was punishable by imprisonment and/or a fine.

(d) Cooperation at the national level: financial intelligence units

15. Paragraph 1 (b) of article 7 requires States parties to ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering have the ability to cooperate and exchange information at the national level. Parties are required to consider establishing, to that end, a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

16. The vast majority of States indicated that they had provided for cooperation and exchange of information at the national level. Afghanistan answered in the negative, further specifying that such cooperation was in its initial stages but exceedingly difficult to carry out. Comoros also responded in the negative, but without providing any further details. In addition, almost all States indicated the existence of a financial intelligence unit, under one form or another, or the existence of some other relevant institution tasked with processing information concerning

money-laundering at the national level. Chad, China (Macao SAR) and Comoros noted the absence of such an institution.

17. The institutional foundation of financial intelligence units differed among States. Several States indicated units attached to central banks (Afghanistan, China, Guatemala, Italy, Malaysia and Tunisia); within or reporting to the ministry of finance (Benin,[11] Malta, Republic of Korea, Slovenia and United Republic of Tanzania); and within the prosecution authorities or bureaux of investigation (Estonia, Finland, Latvia and Slovakia). Poland emphasized the operational autonomy and independence of its financial intelligence unit. The Czech Republic and Ecuador provided a list of several authorities competent in this respect. Most States reported that the relevant financial intelligence units collected information submitted under reporting requirements, or sought information themselves, and liaised between the different ministries and Government agencies (for example, Belgium, Gabon, Italy, Senegal, Slovenia, South Africa and Spain). Further, certain States reported obligations for such units to collect relevant information and keep records (see para. 8 above).

(e) Implementation of measures addressing cross-border movements of cash and negotiable instruments

18. Parties are required, under article 7, paragraph 2, of the Convention to consider the implementation of feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding the movement of legitimate capital.

19. A majority of States reported that they had implemented measures concerning cross-border movements of cash and negotiable instruments. Four States (Belarus, Morocco, Senegal and Togo) did not provide any answer and several others (Afghanistan, Belgium, Burundi, Central African Republic, Chad, China (including Macao SAR), Comoros, Finland, Sweden, Thailand and Trinidad and Tobago) responded in the negative without offering further details.

20. Among those States reporting the implementation of such measures, several referred to customs legislation and regulations governing the flow of cash and negotiable instruments in and out of States, as well as specific criteria and thresholds for information to be reported.[12] Australia required the reporting of the transfer of A$ 10,000 or more, or the equivalent in foreign currency, into or out of the country. Canada indicated that currency or monetary instruments subject to disclosure for import or export from the country would be forfeited in case of a failure to report them but could be retrieved upon the payment of a penalty, absent a suspicion that such funds were linked to money-laundering or terrorism financing. Chile and Germany also noted that cash and negotiable instruments in excess of 15,000 euros were to be disclosed. Germany furthermore indicated that customs officers could seize such funds for up to three days when facts suggested that they derived from criminal activities. Malta stated that any person entering or leaving the

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[11] Benin's Financial Intelligence Unit is headed by a commissioner under the Ministry of Finance.

[12] China (Mainland Region), Croatia, Egypt, Estonia, Germany, Guatemala, Indonesia, Latvia, Mauritius, Mexico, Myanmar, New Zealand, Norway, Peru, Portugal, South Africa, Spain, Turkey, United States and Zimbabwe.

country and carrying a sum equivalent to or exceeding approximately 11,500 euros in cash was obliged to declare that sum. Monaco explained that any amount in excess of 7,600 euros had to be declared when crossing the border. Nigeria disclosed that the declaration of money was mandatory, but that travellers were not prohibited from carrying money. The Philippines noted that every person who brought into or took out of the country more than 10,000 United States dollars or its equivalent was required to submit a written declaration and to furnish information on the source and purpose of that money. The Russian Federation required persons to submit a written customs declaration when importing an amount in excess of the equivalent of US$ 10,000; as regards the exportation of money, any amount in excess of the equivalent of US$ 3,000 was subject to declaration to a Russian customs authority. Similarly, Uruguay required a declaration if the value of cross-border movements of capital exceeded US$ 10,000. Some States (Croatia, Estonia, Peru and Portugal) reported specific reporting obligations for customs administration or control services to national financial intelligence units.

2. International cooperation

21. The requirement, under article 7, paragraph 1 (b), of the Convention, that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering should be able to cooperate and exchange information applies at both the national level (see para. 15 above) and the international level.

22. While the issue of national coordination was addressed above, the Convention further requires that relevant authorities should be able to cooperate at the international level. Senegal, the former Yugoslav Republic of Macedonia and Togo provided no answer to this question and Afghanistan and Chad specifically responded in the negative without providing further details. The other States indicated that their legal operational framework did enable such cooperation; most of them submitted details on such cooperation. Most States referred to general and specific legislative provisions governing such cooperation and reported that their competent national financial intelligence unit was enabled to this effect. In spite of enabling legislation, Comoros indicated that no substantial cooperation at the international level had been established due to political constraints. Côte d'Ivoire emphasized its participation in cooperative efforts in the field of information exchange. Gabon referred to its contact and continuous cooperation with the United Nations. Tunisia, for example, further indicated that memorandums of understanding could be signed by its national financial intelligence unit and its foreign counterparts, provided that they were held to professional secrecy and only involved in the prevention and repression of relevant offences.

23. States parties are required, pursuant to article 7, paragraph 4, of the Convention, to endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

24. Many States reported the existence, at different levels and among different authorities, of cooperation mechanisms to combat money-laundering; however, several States (Azerbaijan, Comoros, Côte d'Ivoire, Kuwait, Morocco, Poland, Senegal, the former Yugoslav Republic of Macedonia and Togo) did not provide any response and five States (Afghanistan, Chad, Panama, Slovenia and Uruguay) replied that they had no such cooperation mechanisms without submitting further

details. Serbia and Montenegro[5] only indicated that its Ministry of Justice was competent for such cooperation. The rest of the responding States replied in the affirmative, with most providing details on existing cooperation mechanisms.

25. Most States indicated they were members of the Financial Action Task Force on Money Laundering,[13] the Egmont Group of Financial Intelligence Units[14] or the Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (Moneyval) of the Council of Europe (Bulgaria, Croatia, Czech Republic, Estonia, Monaco, Russian Federation and the former Yugoslav Republic of Macedonia). Several States reported participation in regional or subregional mechanisms ranging from European Union-based cooperation through the European Police Office (Europol) and Eurojust, to the Asia/Pacific Group on Money Laundering and regional African or Latin American mechanisms.[15] Most States also indicated that they were cooperating at the bilateral level in the framework of specific memorandums of understanding.

B. Measures related to the investigation of transnational organized crime

1. Domestic measures

(a) Special investigative techniques

26. Paragraph 1 of article 20 (Special investigative techniques) requires States parties to allow in their territory for the appropriate use by their competent authorities of controlled delivery and other special investigative techniques, such as electronic surveillance and undercover operations, for the purpose of effectively combating organized crime. That requirement is subject to the basic principles of each party's domestic legal system, to the capacities of each party and to the conditions prescribed by its domestic law.

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[13] For instance: Algeria (member of the Middle East and North Africa Financial Action Task Force), Australia, Belgium, Canada, China (as an observer), Finland, Germany, Ireland, Mexico, New Zealand, Peru (member of the Financial Action Task Force of South America against Money Laundering (GAFISUD)), Portugal, Russian Federation, Slovakia, South Africa, Spain and Turkey.

[14] For instance: Australia, Belgium, Bulgaria, Canada, Chile, Colombia, Croatia, Czech Republic, Estonia, Finland, Germany, Indonesia, Ireland, Mexico, New Zealand, Nigeria, Peru, Portugal, Romania, Serbia, Slovakia, Spain, Sweden and the former Yugoslav Republic of Macedonia. (From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the position of the former Serbia and Montenegro.)

[15] Cameroon, Canada, Congo, China (including Macao SAR), Czech Republic, Ecuador, Finland, Georgia, Germany (Council of Europe, Europol), Guatemala, Honduras (regional treaty on mutual legal assistance in criminal matters), Indonesia, Latvia, Mexico, New Zealand (Asia/Pacific Group on Money Laundering), Portugal, Slovakia, Slovenia and Turkey.

27. Most responding States[16] reported that their legislation allowed competent authorities to use controlled delivery, electronic or other forms of surveillance, as well as undercover operations, for the purpose of combating organized crime. Chad, Comoros, the Congo, Egypt, Guatemala, Indonesia, Trinidad and Tobago and Tunisia reported that their legislation did not allow the use of any of those investigative techniques. Guatemala indicated that a bill on combating organized crime would come into force soon and would allow compliance with the provisions of the Convention. In Burundi and the Central African Republic, only undercover operations were authorized. In the Democratic Republic of the Congo, Monaco, Serbia and Thailand, controlled delivery and electronic and other forms of surveillance were allowed. Monaco explained furthermore that undercover operations would be regulated by the forthcoming code on criminal procedure. Ecuador and the Republic of Korea reported that, of the special investigative methods referred to under paragraph 1 of article 20, only controlled delivery was authorized. In Mexico, only electronic and other forms of surveillance were authorized. Nigeria provided information on electronic surveillance only, for example through the use of mail scanning machines. In Peru and Sierra Leone, controlled deliveries and undercover operations were authorized, but not electronic and other forms of surveillance. Furthermore, Peru indicated that those investigative techniques were provided only for use in the fight against drug trafficking. China reported that its narcotics control authority, in cooperation with Afghan and Pakistan law enforcement authorities, successfully investigated several drug smuggling cases in the Golden Crescent area in 2007 by employing the technique of controlled delivery.

28. Reporting on the sources of legislative authorization for the use of special investigative techniques, States referred to laws on investigation (Estonia, Latvia and Zimbabwe), laws on combating organized crime (Algeria, China (Macao SAR), Mexico and Turkey), criminal and criminal procedure acts or codes (Austria, Belgium, Bulgaria, Canada, Estonia, Germany, Netherlands, Slovenia and Turkey) and, in relation to the use of controlled delivery, to their legislation on drug control and money-laundering (Canada, Côte d'Ivoire, Peru and Turkey). While some States stressed that law enforcement authorities had no immunity from liability for unlawful conduct committed in good faith in the course of investigation and therefore needed a legislative authorization for such conduct, others (New Zealand, Norway and United States) indicated that the use of specific investigative techniques (controlled delivery and/or undercover operations), while not based on an explicit legislative authorization, was not prohibited by law and had been endorsed by national courts' jurisprudence.

29. Belgium, Canada, the Czech Republic, Estonia and Slovakia emphasized that the use of special investigative techniques needed to be governed by the principles

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[16] Afghanistan, Algeria, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile (only under certain circumstances), China (including Macao SAR), Colombia, Côte d'Ivoire, Czech Republic, Estonia, Finland, Gabon, Georgia, Germany, Ireland, Italy, Kazakhstan, Kuwait, Latvia, Madagascar (pending), Malaysia, Malta, Mauritius, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Poland, Portugal, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Turkey, United Kingdom, United States, Uruguay and Zimbabwe.

of subsidiarity and proportionality: such techniques should be resorted to only for the investigation of serious offences and only if other investigative methods were not available to reach the same results. Canada stressed that law enforcement activities, including the use of special investigative techniques, were governed by internal police policy and codes of conduct and subject to judicial review and that abuse of process and other breaches of individual rights might lead to the judicial staying of proceedings against the accused. Sweden reported that a committee for overseeing the use of secret coercive measures had been established in 2008. With respect to undercover operations, a number of States emphasized that incitement to commit the offence under investigation was not permissible and could lead to criminal liability of law enforcement officers.

30. Many States reported that the use of some special investigative techniques[17] required prior authorization by the investigating prosecutor or by the judge. Such authorization was to be obtained by police or other law enforcement authorities upon written request and was in certain cases limited in time (for example, six months for electronic surveillance in Slovakia). Several States provided information on emergency procedures, whereby authorization could be given a posteriori under certain conditions. Nigeria's procedural rules are not covered by any specific legislation.

(b) Measures to encourage cooperation with law enforcement authorities

31. Paragraph 1 of article 26 (Measures to enhance cooperation with law enforcement authorities), requires States parties to take appropriate measures to encourage persons who participate or have participated in organized criminal groups to supply information useful to competent authorities for investigation and evidentiary purposes and to provide concrete help to competent authorities in depriving organized criminal groups of the proceeds of crime. In particular, parties are required under paragraphs 2 and 3 of article 26 to consider providing for the possibility of mitigated punishment and of immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established pursuant to the Convention.

32. Afghanistan, Belgium, the Central African Republic, Chad, Comoros, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Finland, Guatemala, Indonesia, Nigeria, Romania and Sweden reported that they had no measures in place to encourage persons involved in organized criminal groups to cooperate with law enforcement authorities. Finland and Sweden stressed that the granting of mitigating circumstances could be considered only when the offender had attempted to prevent, remedy or limit the harmful consequences of his or her own crime.

33. All other responding States except for Malaysia and Monaco confirmed that their legislation provided for the possibility of mitigating the punishment of a person who had provided substantial cooperation to law enforcement authorities.

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[17] Controlled delivery (Georgia, Myanmar and Slovakia), electronic surveillance, surveillance through tracking devices or surveillance in breach of substantial citizen rights such as inviolability of the home, secrecy of correspondence or private conversations (Canada, Czech Republic, Germany, Mexico, New Zealand, Slovakia and United States), undercover operations (China (Macao SAR), Germany and Slovakia).

That was provided for under general provisions of the criminal code or criminal procedure code dealing with mitigating circumstances (e.g. in Latvia, Myanmar, Norway, Portugal and Turkey) or under provisions of specific laws dealing with organized crime (e.g. in Mexico and Tunisia, which referred to their laws on combating terrorism and money-laundering).

34. A number of responses provided details on what qualified as "substantial" cooperation: such cooperation should be of the sort that prevents further offences to be committed or that allows offences to be detected, offenders to be arrested and evidence to be collected when it would otherwise have been impossible. Turkey referred to the provision of its criminal code on effective remorse and indicated that it covered cooperation extended before the launching of an investigation or before the commission of a crime and that the offender was thereafter subject to one year of probation. Several States indicated that it was left to the judge to take collaboration into account when deciding on punishment and that the importance of the information provided and its contribution to the detection of the offence would be evaluated on a case-by-case basis.

35. The possibility to grant to cooperating offenders immunity from prosecution was less frequently reported. Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Colombia, the Czech Republic, Ecuador, Gabon, Georgia, Italy, Malaysia, Monaco, Norway, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Spain, Togo and Uruguay (in addition to the States that had no measures in place to encourage cooperation of offenders) indicated that they excluded the possibility of granting immunity. Estonia and Slovakia indicated that the decision to grant immunity from prosecution resulted from a balance struck between the interest of detecting and prosecuting serious offences and the interest of prosecuting the cooperating offender. Estonia indicated that immunity could be granted only for minor offences (i.e. not for offences established pursuant to the Convention) or offences carrying penalties under a certain threshold. Australia explained that, in order to mitigate punishment or grant immunity from prosecution, the interests of justice must require it and, in addition, certain conditions must be met. Benin indicated that immunity could not be provided in the face of criminal sanctions. Canada reported that the granting of immunity was provided as a matter of prosecutorial discretion and was subject to limits or conditions as deemed appropriate in each individual case by the prosecuting authority. Poland reported that if a number of conditions were met regarding the substantiality of the cooperation, the public prosecutor was obliged to give a decision on discontinuance of proceedings within 14 days. The Russian Federation explained that a first-time offender responsible for a crime of minor or moderate seriousness may be relieved of criminal liability if he or the voluntarily confessed, aided in the detection of the crime, provided compensation for damage done or otherwise made up for the harm caused as a result of the crime and in the light of genuine remorse was no longer a threat to society.

2. International cooperation

(a) Joint investigations

36. Article 19 (Joint investigations) of the Convention requires States parties to consider concluding bilateral or multilateral agreements on the establishment of joint investigative bodies, in relation to matters that are the subject of

investigations, prosecutions or judicial proceedings in one or more States. Article 19 also encourages parties, in the absence of such agreements, to undertake joint investigations on a case-by-case basis.

37. Most responding States[18] indicated that they had entered into agreements that facilitated joint investigations on serious cases of transnational organized crime, both on the basis of bilateral or multilateral agreements and, in the absence of such agreements, on a case-by-case basis. Afghanistan, Belgium, the Central African Republic, Chad, Chile, China (Macao SAR), Comoros (no specific legislation on joint investigations on a case-by-case basis), Guatemala, Madagascar (relevant legislation to be approved in late 2008), Mexico, Monaco, Peru and Thailand reported that they had no practical experience in establishing joint investigative bodies or in carrying out joint investigations on a case-by-case basis. Chile reported, however, that the flexibility of investigations permitted coordination with other States. Mexico indicated, however, that coordination of investigations at the international level was allowed under its domestic legal framework. Peru reported that its financial intelligence unit could cooperate in international investigations and the exchange of information related to money-laundering and the financing of terrorism.

38. A number of responding States[19] reported that joint investigations could be undertaken exclusively on the basis of agreements and arrangements that they had concluded in this respect but could not be undertaken on an ad hoc basis, in the absence of an agreement. Others[20] indicated that, while they had concluded no agreement in this area, their domestic legal framework enabled them to undertake joint investigations on a case-by-case basis.

39. States reported that the undertaking of joint investigations on an ad hoc basis, in the absence of a formal agreement, was authorized under their domestic legislation on criminal investigations (Portugal and Sweden), on mutual legal assistance (Indonesia, Myanmar and South Africa) or under their criminal procedure act (Tunisia). In many cases, the State indicated that it considered and dealt with requests from another State for carrying out joint investigations in the same manner as requests for mutual legal assistance.[21]

40. Many States reported that the undertaking of joint investigations and the setting up of joint investigative teams were provided for under bilateral police cooperation and mutual legal assistance agreements and arrangements they had

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[18] Algeria, Australia, Austria, Belarus, Benin, Bulgaria, Burundi, Cameroon, China, Ecuador, Finland, Indonesia, Italy, Kazakhstan, Latvia, Mauritius, Myanmar, Norway, Paraguay, Portugal, Slovenia, South Africa, Spain, Sweden, Togo (no response with regard to joint investigations on a case-by-case basis), Trinidad and Tobago, Tunisia, United Kingdom, United States and Zimbabwe.

[19] Austria, Czech Republic, Gabon, Germany, Malaysia, Netherlands, Russian Federation, Serbia and Montenegro, Slovakia and Turkey. (From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the position of the former Serbia and Montenegro.)

[20] Colombia, Estonia, Georgia, New Zealand, Panama and Uruguay.

[21] Information on the parties' legal framework for granting mutual legal assistance is contained in document CTOC/COP/2005/2/Rev.2.

concluded with neighbouring States. Canada and the United States, for instance, provided information on their integrated border enforcement teams, set up to target cross-border criminal activity in a harmonized approach and involving a partnership with local government and law enforcement agencies.

41. Many States also referred to regional treaties enabling or providing for joint investigations, such as the Council of the European Union Act establishing the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union,[22] and the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations,[23] Council of the European Union framework decision 2002/465/JHA on joint investigation teams,[24] the cooperation agreement between Nordic police chiefs, the Inter-American Convention on Mutual Assistance in Criminal Matters and the treaty on mutual legal assistance in criminal matters among like-minded Association of Southeast Asian Nations (ASEAN) members. Australia mentioned that joint investigations may take place on a case-by-case basis with other parties to certain United Nations conventions.

42. Reference was furthermore made to the mandate and role of regional networks and organizations, such as Europol, Eurojust, the Nordic police cooperation network, ASEAN and the Economic Community of West African States (ECOWAS), in facilitating the coordination of cross-border investigations among Member States. At the international level, the role of the International Criminal Police Organization (INTERPOL) was emphasized by most responding States.

(b) Use of special investigative techniques

43. In paragraph 2 of article 20 (Special investigative techniques) States parties are encouraged to conclude, when necessary, bilateral and multilateral agreements for using special investigative techniques at the international level. Under paragraph 3 of article 20, States parties are also encouraged, in the absence of an agreement for the use of special investigative techniques, to take decisions on such use on a case-by-case basis, taking into account financial arrangements and understandings with respect to the exercise of jurisdiction.

44. Most States that reported that the use of special investigative techniques was allowed at the national level indicated that provision was also made for the use of such techniques at the international level, either through bilateral or multilateral agreements or on a case-by-case basis. Among the States that had reported that the use of special investigative techniques was authorized at the national level, only Afghanistan, Egypt, Estonia, Peru, Sierra Leone and Thailand excluded such use at the international level. Afghanistan indicated that although legislation allowed controlled deliveries to pass through its territory, that possibility had not been used in practice for lack of bilateral or multilateral agreements to that effect. Comoros did not report on the use of special investigative techniques at the international level.

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[22] *Official Journal of the European Communities*, C 197, 12 July 2000.
[23] *Official Journal of the European Communities*, C 24, 23 January 1998.
[24] *Official Journal of the European Communities*, L 162/1, 20 June 2002.

45. Reporting on agreements and arrangements concluded on the international use of special investigative techniques, States mostly referred to the bilateral and regional agreements on police cooperation and mutual legal assistance already mentioned in relation to joint investigations (see paras. 36-42 above), indicating that they provided the basis for carrying out controlled deliveries, undercover operations and cross-border surveillance. Reference was made, in addition, to relevant memorandums of understanding and cooperation concluded within the Black Sea Economic Cooperation Organization and the Southern African Regional Police Chiefs Cooperation Organization of the Southern African Development Community. Cooperation agreements concluded for the fight against drug trafficking, as well as against money-laundering and the financing of terrorism, were also mentioned by several States.

46. Many States indicated that the use of special investigative techniques upon request by another State constituted a form of mutual legal assistance. Those States whose domestic legislation authorized the granting of mutual legal assistance in the absence of a treaty reported that they were in a position to use a number of special investigative techniques, such as controlled delivery, gathering of evidence through covert operations, placing tracking devices and recording dialled numbers, as forms of mutual legal assistance.

(c) Measures to encourage cooperation with law enforcement authorities

47. Paragraph 5 of article 26 of the Convention provides States parties with the option of entering into agreements whereby measures to encourage cooperation of accused persons with law enforcement authorities would be provided by a State party to an accused person located on the territory of another State party.

48. Benin, Canada, Ecuador, Egypt, Gabon, Latvia, New Zealand, Romania, Slovakia, South Africa and the United Republic of Tanzania indicated that they had entered into agreements to that effect. Slovakia reported that it had concluded such agreements with member States of the European Union and with other Eastern European countries. Canada indicated that such arrangements could be considered at the law enforcement level by the national police in consultation with the prosecuting authority. Ecuador reported having concluded agreements on the transfer of persons sentenced abroad to imprisonment, in order that they may complete their sentences in their home country (pursuant to art. 17 of the Convention).

(d) Law enforcement cooperation

49. Paragraph 1 of article 27 (Law enforcement cooperation) requires States parties to strengthen their mutual law enforcement cooperation. Paragraph 1 refers to the enhancement of channels of communication between competent authorities for the secure and rapid exchange of information on offences covered by the Convention (subpara. (a)), cooperation in conducting inquiries on the identity of suspect persons and on proceeds of crime (subpara. (b)), the provision of items and substances for analytical and investigative purposes (subpara. (c)), coordination between competent authorities, the exchange of personnel and the posting of liaison officers (subpara. (d)), the exchange of information on means and methods used by organized criminal groups (subpara. (e)) and the exchange of information for the purpose of early identification of offences (subpara (f)).

50. In paragraph 2 of article 27 States parties are encouraged to consider entering into bilateral or multilateral agreements on direct cooperation between their law enforcement agencies. In the absence of such agreements, States parties are encouraged to consider the Convention as the basis for mutual law enforcement cooperation.

51. Virtually all responding States[25] except for Afghanistan, Belgium, Chad, Comoros, the Congo, Gabon (due to lack of means), Kazakhstan, Panama and Thailand confirmed that channels of cross-border communication, coordination and cooperation were available to and routinely used by their law enforcement agencies. Many indicated that cooperation between law enforcement authorities was formalized through bilateral or regional agreements, providing for the exchange of information on offences, offenders and proceeds of crime.

52. A number of States indicated that specific law enforcement authorities, such as customs agencies or financial intelligence units, had their own channels of communication and cooperation. Reference was made to the role of the Egmont Group as a network facilitating international cooperation among financial intelligence units.

53. A number of States referred to regional cooperation networks (such as Europol, the Southeast European Cooperative Initiative, the Pacific chiefs of police network and ECOWAS) and regional shared information systems (such as the Schengen Information System[26] or the ASEAN Electronic Database System).

54. Many States emphasized that INTERPOL and its national central bureaux were the main channels used by law enforcement bodies to exchange information and cooperate with foreign authorities beyond bilateral and regional networks. Reference was made in particular to the 24 hours a day, 7 days a week, global ("I-24/7") system of police communications through which information on offenders and transnational criminality was being shared and to INTERPOL databases on criminals and stolen property.

55. Many States emphasized the posting of liaison officers as an effective means of law enforcement coordination. Liaison officers from various law enforcement agencies (police, customs, intelligence and drug control) were being posted in neighbouring countries, or in countries requiring significant cooperation, to facilitate the maintenance of lines of communication, as well as training. States also reported on hosting liaison officers, as well as receiving ad hoc visits of investigators, from other countries.

56. Paragraph 3 of article 27 of the Convention encourages States parties to cooperate in responding to transnational organized crime committed through the use of modern technology. Most of the responding States (except Afghanistan, Burundi, Cameroon, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Indonesia, Mauritius, Myanmar, Peru and Trinidad and Tobago) confirmed that their competent authorities had been involved in international law enforcement cooperation to combat criminal activities committed through the use of modern

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[25] For details of responses with respect to the different points of article 27, see document CTOC/COP/2006/4 and Corr.1.

[26] A secure governmental database system used by several European countries for the purpose of maintaining and distributing data related to border security and law enforcement.

technology. Some States indicated that they had established national computer crime units and had designated within the police a focal point for requests for international cooperation aimed at countering cybercrime. Reference was also made to INTERPOL activities to combat information technology crime and to the Group of Eight network of international law enforcement contacts available to respond to crimes using or targeting networked computer systems.

C. Measures related to the protection of witnesses and victims

57. Measures related to the protection of witnesses and victims are discussed in the present section. The analytical report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2006/6/Rev.1), contains information on matters related to the provision of assistance and protection to victims of trafficking in persons.

1. Domestic measures

58. The Convention recognizes the importance of witness protection, both as an end in itself and as a means of ensuring the willingness of witnesses to cooperate in reporting crime and providing the evidence needed to prosecute and convict offenders. Article 23 (Criminalization of obstruction of justice) requires parties to criminalize the use of physical force, threats or intimidation to induce false testimony or interfere in the giving of testimony or the production of evidence in a proceeding related to the commission of an offence covered by the Convention. Such criminalization is a prerequisite for the effective protection of witnesses. For the first reporting cycle, parties have reported on legislation adopted to comply with the provisions of article 23 (see CTOC/COP/2005/2/Rev.2).

59. Paragraph 1 of article 24 (Protection of witnesses) requires States parties to take measures to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention. It is at the discretion of each State party, however, to decide which measures are appropriate; the phrase “within its means” acknowledges that available resources and technical capabilities of a State may limit the scope of the measures taken.

60. On the question of whether their domestic legal system enables the provision of protection from potential retaliation or intimidation for witnesses in criminal proceedings, many States reported that protection of witnesses was provided for under their legislation. The protection of witnesses was not provided for by the domestic legal system in a number of countries (Afghanistan, Burundi, Cameroon, Central African Republic, Chad, China (Macao SAR), Comoros, Congo, Côte d’Ivoire, Democratic Republic of the Congo, Gabon, Jordan (not fully provided for), Monaco, Morocco, Myanmar, Sierra Leone and Sweden). Cameroon, Gabon and Monaco, however, indicated that a legal initiative providing regulations on the protection of witnesses either existed or was being prepared. Myanmar indicated that its Anti-Trafficking in Persons Act of 2005 included one provision on the protection of witnesses but that legislation to protect witnesses in criminal

proceedings had yet to be promulgated. Sweden indicated that at the time of reporting there was only a general responsibility of the police to protect the public; however, a bill establishing a "national system for personal security", which was to enter into force soon, would address security needs of threatened persons, including witnesses participating in preliminary investigations or trials concerning organized criminality, as well as police officers and police informants. Benin and Togo did not provide any response to that question.

61. With the exception of Egypt, Kuwait, Panama, Paraguay, Peru and the Republic of Korea, all States that provided for witness protection measures under their legal system indicated that such protection extended to relatives or other persons close to the witness, in accordance with the terms of article 24, paragraph 1, of the Convention. Some countries, however, did not provide a response to that question. Most of the reporting States defined relatives or persons close to the witness as spouses, children, siblings, parents, persons living permanently with the witness, grandparents, adoptive children or parents, as long as their life, physical or mental integrity, freedom or property were endangered. Some States reported that not only witnesses and their families, but also informants, experts and judges were protected persons. Sweden indicated that protection of relatives of witnesses was being considered in a bill that was to enter into force. Trinidad and Tobago indicated that only spouses and children were protected by such measures.

62. Paragraph 2 of article 24 provides examples of specific measures that may be considered under witness protection programmes: procedures for the physical protection of witnesses such as relocating them and permitting limitations on the disclosure of their identity and whereabouts (subpara. (a)); and evidentiary rules permitting witness testimony to be given while ensuring the safety of the witness, for instance through video links (subpara. (b)). The establishment of procedures for the physical protection of witnesses was indicated by most of the States that reported having taken witness protection measures.[27] The most frequently reported procedure was the non-disclosure of identity or place of residence or workplace of the witness (Canada, Latvia, Mexico, New Zealand, Poland, South Africa and United States, among others). Other measures included changing the identity of the witness (Canada, Estonia, Latvia and Slovakia), changing the appearance through plastic surgery (Estonia), providing personal protection (Czech Republic and Latvia), providing security personnel to protect the residence and workplace of the witness (Guatemala, Kuwait and Latvia), providing self-defence equipment (Estonia), providing new telecommunications coordinates (Estonia), providing protection of correspondence and protection against wiretapping of conversations (Latvia), relocating and providing assistance in social integration (Czech Republic, Latvia, Norway and Slovakia) and transferring the witness to another country on the basis of an agreement (Latvia and Slovakia).

63. The adjustment of evidentiary rules to ensure the safety of witnesses was reported by almost all States (except: Colombia, Ecuador, Egypt, Indonesia, Kuwait, Mexico, Panama, Trinidad and Tobago and Uruguay) that had indicated that their

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[27] The exceptions were Algeria, Egypt, Finland, Malaysia, Mexico and Paraguay, which indicated that procedures for the physical protection of witnesses had not been established. Mexico, however, reported that in practice relocation measures had been taken with a view to protecting witnesses.

domestic legislation provided for the protection of witnesses. Many States reported that they permitted witness testimony through videoconference (Belgium, Czech Republic, Germany, Ireland, Italy, Mauritius, Slovenia and Tunisia), through telephone conference (Belgium, Slovenia, Sweden and the former Yugoslav Republic of Macedonia), outside the courtroom (Canada, China, Mauritius, Nigeria and Sweden) and behind a protection screen (Canada and Norway); and many reported that they were able to prevent the identity or other personal information about the witness from being revealed in the records (Canada, Germany and Sweden), to conceal the identity or appearance of the witness (Czech Republic and United States), to exclude the defendant from the courtroom (Czech Republic, Germany, Norway and Sweden), to exclude the public from the hearing (Germany and United States), to record by audio-visual means an examination prior to the main hearing (Germany, Guatemala, Sweden and United Kingdom) or to permit anonymous testimony (Belgium and Norway) and testimony with disguised voices (Slovenia). Many States emphasized the need to protect the defendant's right to due process and reported that a defendant could not be convicted on the sole basis of evidence given outside the courtroom. Some States indicated that witnesses had to reveal their identity in order to be able to testify.

64. Article 25 (Assistance to and protection of victims) requires States parties to take appropriate measures to provide assistance to and protection for victims of offences covered by the Convention, in particular in cases involving threat of retaliation or intimidation. Assistance to and protection for victims of offences were provided for under domestic legislation in all reporting States except Burundi, the Central African Republic, Comoros, the Congo (no assistance was provided for victims receiving international humanitarian aid), the Democratic Republic of the Congo, Finland, Ireland, Mauritius, Monaco, Panama, Romania and Trinidad and Tobago. Finland indicated that victims could receive legal assistance and Mauritius noted that, while it had no specific legislation on the protection of victims, victims were protected in so far as they were witnesses. Poland indicated that the Ministry of the Interior and Administration was currently working on developing such measures.

65. On the question of whether domestic legislation established appropriate procedures to provide access to compensation and restitution for victims, 57 States[28] indicated that such procedures were established under their legislation, while Afghanistan, the Central African Republic, Chad, Chile, Comoros, Guatemala, Indonesia, Ireland, Portugal and Serbia and Montenegro[5] reported that that was not the case. Many States (including Congo, Gabon and Guatemala) reported that victims, as civil parties in criminal proceedings, could demand reparation. The restitution of and compensation for damages caused by a criminal offence were accordingly part of the sentence. In other States, victims had to start civil action

[28] Algeria, Australia, Azerbaijan, Belgium, Benin, Bulgaria, Burundi, Cameroon, Canada, China, Colombia, Congo, Côte d'Ivoire, Czech Republic, Democratic Republic of the Congo, Ecuador, Egypt, Estonia, Finland, Gabon, Georgia, Germany, Italy, Kazakhstan, Latvia, Malaysia, Mauritius, Mexico, Monaco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Republic of Korea, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, United States, Uruguay and Zimbabwe.

after the completion of criminal proceedings to receive reparation. Such proceedings could also be started if the offender was not identified or could not be convicted. Finland, Latvia, Norway, Slovakia and Sweden reported that in certain circumstances compensation and restitution could be received from the State. Bosnia and Herzegovina and Malaysia reported that access to compensation for victims was only provided through civil proceedings. China reported that if it was in the interest of preventing excessive delay, the same court could hear both the criminal proceeding and civil case for compensation. South Africa indicated that compensation could be drawn from the proceeds of crime confiscated from the offender. Belgium and South Africa reported on the establishment of a special fund for victims of crimes. Reparation and compensation could normally be obtained for loss of property, moral damage, physical damages, lost income, career rehabilitation measures, psychological and therapeutic measures and, in the case of death, for the benefit of surviving dependants. The Republic of Korea mentioned the provision of a set amount of relief aid to the victim who had suffered from serious injuries or to the surviving family members of a person who had died because of criminal acts. The Russian Federation indicated that a victim was guaranteed restitution for financial damages resulting from a crime and for costs incurred in connection with his or her participation in a preliminary investigation and in court proceedings, including costs associated with obtaining legal representation.

66. Article 25, paragraph 3, of the Convention requires States parties to enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence. Most reporting States (except Afghanistan, Kuwait, Mauritius, Monaco, Panama, Peru, Portugal, Romania, Serbia and Montenegro,[5] Trinidad and Tobago and Uruguay) reported that they had complied with that requirement. All reporting States emphasized the need to guarantee the right of the accused to a fair trial, including the right to be informed, the right to participate in the proceedings at any moment, to provide comments on the testimony of a witness or submit evidence and views and the right to adequate legal representation. A number of States stressed that victims had the status of parties (civil parties) to the proceedings and had the right to present their views. In Bulgaria, Germany and Portugal, victims were allowed to participate in the proceedings with the status of accessory public prosecutors, which entailed a number of procedural rights. Cameroon specifically referred to the possibility of cross-examinations. In Canada, the victim was entitled to present a victim impact statement where damages caused by the criminal offence were being declared and the continuing impact of the crime on life and safety concerns were being described. In Liechtenstein and Turkey, provisions had been made whereby the victim would only be questioned once during investigations in order to minimize repeat trauma. In Ireland, the possibility of allowing a victim to give an impact report is provided for in legislation, particularly for victims of crimes of a violent or sexual nature, and a practice of hearing family members' statements during homicide trials has also been developed.

2. International cooperation

67. Article 24, paragraph 3, of the Convention requires States parties to consider entering into agreements or arrangements with other States for the relocation of witnesses and victims, in order to ensure their physical protection from potential retaliation or intimidation. Many States reported that such matters were

encompassed under agreements on mutual legal assistance in criminal matters. A number of European States referred to treaties within the European Union. The United States indicated that cooperation in relocating witnesses and/or victims was decided on a case-by-case basis. South Africa reported that it was able to cooperate with witness protection units of other countries even in the absence of a formal agreement. The majority of the responding States parties, however, indicated that no agreement of that nature had been established.

68. Some States reported having concluded bilateral or multilateral agreements or arrangements on mutual legal assistance pursuant to article 18, paragraph 18, of the Convention, which provides for the possibility of conducting a hearing by videoconference where it is not feasible or desirable for the witness to appear in person before the judicial authorities of the foreign State. Belgium, the Czech Republic, Finland, Germany and Sweden referred to cooperation based on the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. The United States indicated that it provided such assistance although videotaped testimony was not allowed in its courts. All of the States that provided for the legal possibility of conducting a hearing by videoconference confirmed that they also had technical facilities to support hearings by videoconference.

D. Measures to prevent transnational organized crime

1. Domestic measures

69. Paragraph 1 of article 31 (Prevention) of the Convention requires States parties to endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.

70. Most States provided information on multi-year national action plans, strategies and projects addressing the prevention of organized crime in general or specific forms of criminality, in particular human trafficking and smuggling of illegal migrants,[29] corruption,[30] drug trafficking[31] and money-laundering.[32] Reference was also made[33] to bilateral agreements on the prevention of organized crime and to regional networks such as the European Crime Prevention Network.

71. Article 31, paragraph 2, of the Convention requires States parties to endeavour to reduce opportunities for organized criminal groups to participate in lawful markets with proceeds of crime.

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[29] Albania, Canada, China, Czech Republic, Malaysia, Myanmar and the former Yugoslav Republic of Macedonia.

[30] Canada, Georgia, Italy, Poland, the former Yugoslav Republic of Macedonia and Turkey.

[31] Canada, Côte d'Ivoire and Myanmar.

[32] Canada, Côte d'Ivoire, Guatemala, Italy, Morocco, Myanmar, New Zealand, Peru, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia and Turkey; see also paragraphs 3-25 of the present report.

[33] By Indonesia, Kuwait and Mauritius.

72. Many States[34] reported in this respect that they had taken measures to promote cooperation between their law enforcement or prosecuting authorities with relevant private entities. Many[35] also indicated having developed standards to safeguard the integrity of public and private entities, as well as codes of conduct for public servants and codes of ethics for relevant professions of the private sector. Bulgaria reported that it had accumulated some experience using joint mobile groups of the Ministry of the Interior, the Ministry of Finance and the Customs Agency to perform controls at border checkpoints.

73. Reporting States also provided information on measures adopted to prevent the misuse of legal persons by organized criminal groups. In many States,[36] public records on legal and natural persons involved in the establishment, management and funding of legal persons were established. Many States[37] also indicated that, under

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[34] Algeria, Australia, Belarus, Benin, Bulgaria, Burundi, Cameroon, China, Colombia, Côte d'Ivoire, Estonia, Finland, Gabon, Georgia, Germany, Guatemala, Indonesia, Ireland, Italy, Kazakhstan, Latvia, Madagascar, Malaysia, Mauritius, Mexico, Myanmar, New Zealand, Nigeria, Panama, Peru, Portugal, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, Sierra Leone, South Africa, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United Republic of Tanzania, United States, Uruguay and Zimbabwe. (From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the position of the former Serbia and Montenegro.)

[35] Algeria, Australia, Azerbaijan, Belarus, Belgium, Bulgaria, Central African Republic, Chad, China, Colombia, Côte d'Ivoire, Czech Republic, Democratic Republic of the Congo, Estonia, Finland, Gabon, Georgia, Germany, Indonesia, Ireland, Italy, Kazakhstan, Latvia, Madagascar, Malaysia, Mauritius, Mexico, Myanmar, New Zealand, Nigeria, Panama, Peru, Portugal, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, Sierra Leone, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, United Kingdom, United Republic of Tanzania, United States, Uruguay and Zimbabwe. (From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the position of the former Serbia and Montenegro.)

[36] Algeria, Australia, Azerbaijan, Belarus, Belgium, Bulgaria, Cameroon, China, Colombia, Czech Republic, Ecuador, Estonia, Gabon, Georgia, Guatemala, Indonesia, Ireland, Italy, Latvia, Madagascar, Malaysia, Mauritius, New Zealand, Nigeria, Panama, Peru, Portugal, Romania, Russian Federation, Serbia and Montenegro, Sierra Leone, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, United Kingdom, United Republic of Tanzania, United States, Uruguay and Zimbabwe. (From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the position of the former Serbia and Montenegro.)

[37] Algeria, Australia, Azerbaijan, Belarus, Belgium, Bulgaria, Burundi, Cameroon, Central African Republic, China, Colombia, Côte d'Ivoire, Czech Republic, Ecuador, Estonia, Gabon, Georgia, Germany, Indonesia, Ireland, Italy, Kuwait, Latvia, Madagascar, Malaysia, Mauritius, Mexico, Morocco, New Zealand, Nigeria, Norway, Peru, Portugal, Republic of Korea, Romania, Russian Federation, Serbia and Montenegro, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, United Kingdom, United Republic of Tanzania, United States, Uruguay and Zimbabwe. (From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia. The response to the questionnaire on the implementation of the Convention for the second reporting cycle was submitted to the Secretariat before that development and reflected the position of the former Serbia and Montenegro.)

their criminal code, disqualifying offenders from exercising certain functions or professions was provided for and that it was therefore possible to disqualify them for a definite period of time from acting as directors of legal persons. However, in a number of States[38] where such disqualification was possible, there were no integrated records of persons thus disqualified and there was therefore no possibility to exchange such information with competent authorities of other parties.

74. Paragraph 3 of article 31 requires States parties to endeavour to promote the reintegration into society of persons convicted of offences covered by the Convention.

75. All the responding States except Afghanistan, Cameroon, Chad, the Democratic Republic of the Congo, Kuwait, Mauritius and Sierra Leone confirmed that their legal system provided for measures for the rehabilitation and social reintegration of offenders. Many[39] specifically referred to provisions of their laws on prison administration and execution of sentences, as well as their criminal and criminal procedure codes, addressing the preparation of prisoners in view of their release and reintegration into society. The measures mentioned included the encouragement of academic studies and vocational training, the provision of assistance in finding housing and employment, the provision of temporary housing and the provision of land for housing and cultivation. The United Kingdom specifically stated that if a person was given a custodial sentence of more than 30 months, the conviction could never be spent. A number of States[40] also referred to probation measures and the granting of parole. In this respect, it should be noted that the provisions of article 31 on the social reintegration of offenders are to be considered in combination with paragraph 4 of article 11 (Prosecution, adjudication and sanctions), in which States parties are requested to ensure that their courts bear in mind the seriousness of offences covered by the Convention when considering the eventuality of early release or parole of convicted offenders.

76. Paragraph 4 of article 31 requires States parties to endeavour to periodically evaluate existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups.

77. Many States[41] indicated that such a review, in particular the review of relevant legislation, was periodically taking place. Some States[42] reported that they were in the process of assessing the adequacy of their criminal code, criminal procedure code, legislation against money-laundering or laws for the suppression of terrorism and were preparing amendments thereof, or that such amendments had recently been adopted. Slovakia indicated that each draft law proposed by the Government was

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[38] Belgium, Central African Republic, Côte d'Ivoire, Madagascar, Mauritius, Mexico, Morocco, Norway, Peru, Portugal and Uruguay.

[39] Algeria, Estonia, Finland, Georgia, Latvia, New Zealand, Portugal, South Africa, the former Yugoslav Republic of Macedonia and Tunisia.

[40] Czech Republic, Estonia, Latvia, Slovakia and United States.

[41] Algeria, Australia, Bulgaria, Cameroon, Canada, Czech Republic, Gabon, Indonesia, Italy, Latvia, Madagascar, Malaysia, Mauritius, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Portugal, Russian Federation, Sierra Leone, Slovakia, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Republic of Tanzania, United States and Zimbabwe.

[42] New Zealand, Norway, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom.

systematically scrutinized from the point of view of its impact on organized crime. Several States reported on intergovernmental task forces and similar mechanisms meeting regularly to review instruments and practices to combat organized criminal groups.

78. Paragraph 5 of article 31 requires States parties to endeavour 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.

79. Some States emphasized the particular importance of raising public awareness and promoting the participation of society in dealing with specific forms of criminality such as corruption and human trafficking and delineated some of their initiatives in those areas. Many States referred to the publication by the Ministry of the Interior, Ministry of Justice or police authorities of yearbooks and periodical reports informing the public of trends and threats regarding organized crime and of activities carried out to counter criminality. Australia referred to widely circulated information, public speeches, media releases and recruitment campaigns. Burundi highlighted the establishment of a Ministry of Good Governance. Colombia reported on the introduction of campaigns to raise awareness about drug trafficking and trafficking in persons. Comoros reported on its efforts to sensitize the population by broadcasting specific programmes. Jordan highlighted the use of media awareness-raising programmes and discussion groups. Romania mentioned the broadcasting of television programmes, including talk shows, and the use of newspapers and other mass media. The Russian Federation indicated that reports on the results of combating organized crime, containing data and analytical material, as well as specific proposals for improving the legislation and law enforcement practices, were widely disseminated to promote discussion at various public events. Sweden mentioned that it was possible for members of the public to report crime anonymously.

2. International cooperation

80. Paragraph 6 of article 31 requires States parties to inform the Secretary-General of the contact details of the authority that could assist other parties in developing measures to prevent transnational organized crime. A number of States parties have transmitted the names and addresses of their competent national authorities at the time of depositing their instruments of ratification of or accession to the Convention. Others provided such information in completing the questionnaire for the second reporting cycle. Reference should be made in this respect to the note by the Secretariat on the development of an online directory of central authorities and options for the effective use of legislation furnished under the Convention (CTOC/COP/2006/12).

81. Paragraph 7 of article 31 requires States parties to collaborate with each other and relevant international organizations in promoting and developing preventive measures. Many States indicated that they were involved in cooperation programmes or projects aimed at preventing transnational organized crime or specific forms of criminality. They referred specifically to their participation in regional networks, such as the Task Force on Organized Crime in the Baltic Sea Region, the New Partnership for Africa's Development, Asia Regional Cooperation to Prevent People Trafficking and the Bali Process on People Smuggling,

Trafficking in Persons and Related Transnational Crime. Mention was also made of technical assistance preventive projects carried out in cooperation with the United Nations Office on Drugs and Crime.

III. Concluding remarks

82. The second reporting cycle has permitted some conclusions to be drawn. The status of compliance with the requirements of the Convention for a comprehensive regime against money-laundering is quite advanced. It appears that most measures are in place and the level of awareness and knowledge is steadily growing. This has no doubt been brought about also by the need to comply with the relevant instruments against terrorist financing, as well as by the efforts of regional or international organizations in continuing to accord high priority to this matter. This encouraging development would greatly facilitate the consideration of the subject by the Conference at its third session. More importantly, the Conference would be in a position to build on a solid base should it wish to begin a more in-depth assessment of the efficacy and efficiency of the regimes already in place at the national and international levels.

83. The first two reporting cycles have produced a significant knowledge base when their results are taken and analysed together. The Conference is encouraged to use that knowledge base in connection with its work on technical assistance, at this stage through the operation of the open-ended working group that it has established. The Conference may wish to deliberate on taking the next step of a more in-depth review of the implementation of the Convention while, at the same time, seeking the most appropriate ways to address the problem of its ability to obtain sufficient information from States.

Annex I

Relevant legislation and website addresses received from States

1. The Secretariat received information from a number of States in response to its request for a copy of relevant legislation and/or website addresses for relevant online information. The following States sent copies of relevant legislation:

State	*Legislation*	*Language*
Czech Republic	Act No. 61/1996 Coll., on some measures against the legislation of the proceeds of crime and on the amendment and supplementation of connected Acts	English
Ecuador	Ley de sustancias estupefacientes y psicotrópicas, codificación	Spanish
	Programa de protección a testigos y victimas	
Honduras	Codigo Procesal Penal	Spanish
	Ley de la Comisión Nacional de Bancos y Seguros	
	Ley contra el delito de lavado de activos	
	Ley de Migración y Extranjería, 2003	
	Decreto No. 101-2003-08-28	
	Decreto No. 188-2000	
Latvia	Notariate Law	English
	Regulations regarding List of Elements of Unusual Transactions and Procedures for Reporting	
	Special Protection of Persons Law	
	Advocacy Law of the Republic of Latvia, 27 April 1993	
Malaysia	Exchange Control Act 1953 (Revised 1969)	English
	Customs Act 1967 (Revised 1980)	
Mauritius	The Financial Intelligence and Anti-Money-Laundering Act 2002	English
Monaco	Ordonnance souveraine No. 605 du 1er août 2006	French
New Zealand	Sections 65 and 78 of the Births, Death and Marriages Registration Act 1995	English
	Sections 87, 151, 189 and 194 of the Companies Act 1993	
	Part 11A of the Crimes Act 1961	
	Section 98AA of the Crimes Amendment Act 2005	
	Sections 13B to 13J of the Evidence Act 1908	
	Section 12 of the Extradition Act 1999	
	Sections 10 to 13 of the Financial Reporting Act 1993	
	Sections 6, 7, 8, 9, 11, 15, 22, 29 and 37 of the Financial Transactions Reporting Act 1996	
	Sections 21 and 21A of the Injury Prevention and Compensation Act 2001	
	Sections 6 and 110 of the International Crimes and International Criminal Court Act 2000	
	Sections 12, and 14 to 29 of the Misuse of Drugs Amendment Act 1978	
	Section 4 of the Mutual Assistance in Criminal Matters Act 1992	
	Sections 24 to 27 of the New Zealand Bill of Rights Act 1990	

State	*Legislation*	*Language*
	Sections 15 and 16 of the Parole Act 2002	
	Sections 9 and 51 of the Sentencing Act 2002	
	Section 8 of the Terrorism Suppression Act 2002	
	Sections 8, 12, 17, 19, and 28 to 30 of the Victims' Right Act 2002	
Niger	Abstracts of the Penal Code	French
Peru	Ley que establece beneficios por colaboración eficaz en el ámbito de la criminalidad organizada	Spanish
	Aprueban Reglamento del Capítulo III de la Ley No. 27378 sobre procedimiento de colaboración eficaz en el ámbito de la criminalidad organizada	
	Ley que crea la Unidad de Inteligencia Financiera – Perú, Ley No. 27693	
	Aprueban el Reglamento de la Ley que crea la Unidad de Inteligencia Financiera	
	Ley Penal contra el Lavado de Activos, Ley No. 27765	
Philippines	Republic Act 6981 (Witness Protection, Security and Benefit Act)	English
	Rule of Procedure in Cases of Civil Forfeiture, Asset Preservation, and Freezing of Monetary Instrument, Property, or Proceeds Representing, Involving, or Relating to Unlawful Activity or Money-Laundering Offense under Republic Act No. 9160	
	Rule on Examination of a Child Witness	
Poland	Code of Criminal Procedure, Act of 6 June 1997	English
Portugal	Law No. 11/2004 of 27 March (amended by Law 27/2004, of 16 July)	English
	Law No. 93/99, of 14 July 1999: Governing the enforcement of measures on the protection of witnesses in criminal proceedings	
	Law No. 101/2001 of 25 August 2001	
	Law No. 144/99, of 31 August (as amended by Laws No. 104/2001, of 25 August and No. 48/2003, of 22 August)	
Serbia	Collection of pieces of legislation and draft laws	English
Slovenia	Law of the Prevention of Money Laundering	English
Spain	Ley 19/1993, de 28 de diciembre, sobre determinadas medidas de prevención del blanqueo de capitales (modificada por la Ley 19/2003, de 4 de julio	Spanish
	Real Decreto 925/1995, de 9 junio, por el que se aprueba el Reglamento de la Ley 19/1993, de 28 de diciembre, sobre determinadas medidas de prevención del blanqueo de capitales (modificado por R.D. 54/2005, de 21 de enero)	Spanish
Thailand	Anti-Money-Laundering Act of B.E. 2542	English
The former Yugoslav Republic of Macedonia	Extracts of the criminal procedure code	English
	Law on Prevention of Money-Laundering and other proceeds from crime	
	Law on Witness Protection	

2. The following States sent website addresses:

State	*Website address*
Australia	www.comlaw.gov.au/
	www.legislation.qld.gov.au/OQPChome.htm
	www.legislation.nsw.gov.au
	www.dms.dpc.vic.gov.au
	www.slp.wa.gov.au/statutes/swans.nsf
	www.parliament.sa.gov.au/leg/5_legislation.shtm
	http://notes.nt.gov.au/dcm/legislat/legislat.nsf?OpenDatabase
	www.thelaw.tas.gov.au/index.w3p
	www.legislation.act.gov.au
Italy	www.normeinrete.it
Malta	http://docs.justice.gov.mt
Mexico	www.cddhcu.gob.mx/leyinfo
	www.pgr.gob.mx
Saudi Arabia	www.boe.gov.sa
Serbia	www.mpravde.sr.gov.yu
Spain	www.sepblac.es
	www.cpbc.tesoro.es
Uruguay	www.parlamento.gub.uy www.bcu.gub.uy www.presidencia.gub.uy

Annex II

Status of responses to the questionnaire on the implementation of the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle

State or regional economic integration organization	*Date of signature*	*Date of ratification, approval (AA) or accession (a)*	*Year responses received*	*Year updates to responses received*
Afghanistan	14 Dec. 2000	24 Sept. 2003	2006	-
Algeria	12 Dec. 2000	7 Oct. 2002	2006	2008
Australia	13 Dec. 2000	27 May 2004	2006	-
Austria	12 Dec. 2000	23 Sept. 2004	2008 partial response	-
Azerbaijan	12 Dec. 2000	30 Oct. 2003	2006	-
Belarus	14 Dec. 2000	25 June 2003	2006	-
Belgium	12 Dec. 2000	11 Aug. 2004	2006	2008
Benin	13 Dec. 2000	30 Aug. 2004	2008	-
Bosnia and Herzegovina	12 Dec. 2000	24 Apr. 2002	2008	-
Bulgaria	13 Dec. 2000	5 Dec. 2001	2006	2008
Burundi	14 Dec. 2000	-	2008	-
Cameroon	13 Dec. 2000	6 Feb. 2006	2008	-
Canada	14 Dec. 2000	13 May 2002	2006	-
Central African Republic	-	14 Sept. 2004 (a)	2008	-
Chad	-	-	2008	-
Chile	13 Dec. 2000	29 Nov. 2004	2006	-
China	12 Dec. 2000	23 Sept. 2003	2006	2008
Colombia	12 Dec. 2000	4 Aug. 2004	2006	-
Comoros	-	25 Sept. 2003 (a)	2008	-
Congo	14 Dec. 2000	-	2008	-
Côte d'Ivoire	15 Dec. 2000	-	2008	-
Croatia	12 Dec. 2000	24 Jan. 2003	2006	2008
Czech Republic	12 Dec. 2000	-	2006	2008
Democratic Republic of the Congo	-	28 Oct. 2005 (a)	2008	-
Ecuador	13 Dec. 2000	17 Sept. 2002	2006	-
Egypt	13 Dec. 2000	5 Mar. 2004	2006	-
Estonia	14 Dec. 2000	10 Feb. 2003	2006	-
Finland	12 Dec. 2000	10 Feb. 2004	2006	2008
Gabon	-	15 Dec. 2004 (a)	2008	-
Georgia	13 Dec. 2000	5 Sept. 2006	2006	-
Germany	12 Dec. 2000	14 June 2006	2006	2008
Guatemala	12 Dec. 2000	25 Sept. 2003	2006	2008
Guinea	-	9 Nov. 2004 (a)	2008	-
Honduras	14 Dec. 2000	2 Dec. 2003	2006	-

State or regional economic integration organization	*Date of signature*	*Date of ratification, approval (AA) or accession (a)*	*Year responses received*	*Year updates to responses received*
Indonesia	12 Dec. 2000	-	2006	-
Ireland	13 Dec. 2000	-	2006	-
Italy	12 Dec. 2000	2 Aug. 2006	2006	-
Jordan	26 Nov. 2002	-	2007	-
Kazakhstan	13 Dec. 2000	31 July 2008	2006	-
Kuwait	12 Dec. 2000	12 May 2006	2006	-
Latvia	13 Dec. 2000	7 Dec. 2001	2006	-
Madagascar	14 Dec. 2000	15 Sept. 2005	2006	2008
Malaysia	26 Sept. 2002	24 Sept. 2004	2007	-
Malta	14 Dec. 2000	24 Sept. 2003	2006	2008
Mauritius	12 Dec. 2000	21 Apr. 2003	2006	-
Mexico	13 Dec. 2000	4 Mar. 2003	2007	-
Moldova	14 Dec. 2000	16 Sept. 2005	2008 partial response	-
Monaco	13 Dec. 2000	5 June 2001	2007	-
Morocco	13 Dec. 2000	19 Sept. 2002	2006	2008
Myanmar	-	30 Mar. 2004 (a)	2006	-
Netherlands	12 Dec. 2000	26 May 2004	2007	-
New Zealand	14 Dec. 2000	19 July 2002	2006	-
Nigeria	13 Dec. 2000	28 June 2001	2008	-
Norway	13 Dec. 2000	23 Sept. 2003	2006	-
Panama	13 Dec. 2000	18 Aug. 2004	2007	-
Paraguay	12 Dec. 2000	22 Sept. 2004	2008	-
Peru	14 Dec. 2000	23 Jan. 2002	2006	-
Philippines	14 Dec. 2000	28 May 2002	2008	-
Poland	12 Dec. 2000	12 Nov. 2001	2006	2008
Portugal	12 Dec. 2000	10 May 2004	2006	-
Republic of Korea	13 Dec. 2000	-	2006	-
Romania	14 Dec. 2000	4 Dec. 2002	2006	-
Russian Federation	12 Dec. 2000	26 May 2004	2006	-
Senegal	13 Dec. 2000	27 Oct. 2003	2008	-
Serbia	12 Dec. 2000[a]	6 Sept. 2001[a]	2006[a]	2008
Sierra Leone	27 Nov. 2001	-	2007	-
Slovakia	14 Dec. 2000	3 Dec. 2003	2006	2008
Slovenia	12 Dec. 2000	21 May 2004	2006	-
South Africa	14 Dec. 2000	20 Feb. 2004	2006	-
Spain	13 Dec. 2000	1 Mar. 2002	2006	2008
Sweden	12 Dec. 2000	30 Apr. 2004	2006	2008
Switzerland	12 Dec. 2000	27 Oct. 2006	2008	-
Thailand	13 Dec. 2000	-	2006	-
The former Yugoslav Republic of Macedonia	12 Dec. 2000	12 Jan. 2005	2006	-
Togo	12 Dec. 2000	2 July 2004	2008	-
Trinidad and Tobago	26 Sept. 2001	6 Nov. 2007	2006	-

State or regional economic integration organization	*Date of signature*	*Date of ratification, approval (AA) or accession (a)*	*Year responses received*	*Year updates to responses received*
Tunisia	13 Dec. 2000	19 June 2003	2006	2008
Turkey	13 Dec. 2000	25 Mar. 2003	2006	-
United Kingdom of Great Britain and Northern Ireland	14 Dec. 2000	9 Feb. 2006	2006	-
United Republic of Tanzania	13 Dec. 2000	24 May 2006	2008	-
United States of America	13 Dec. 2000	3 Nov. 2005	2006	2008
Uruguay	13 Dec. 2000	4 Mar. 2005	2008	-
Zimbabwe	12 Dec. 2000	12 Dec. 2007	2006	-
European Community	12 Dec. 2000	21 May 2004 (AA)	2006	-

[a] On 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia.