

**Working Group of Government  
Experts on Technical Assistance**  
Vienna, 28-31 May 2018

**Working Group on International  
Cooperation**  
Vienna, 28-31 May 2018

**Rolling text of the draft questionnaire for the review of the  
implementation of the United Nations Convention against  
Transnational Organized Crime, in accordance with  
resolution 8/2 of the Conference of the Parties to the United  
Nations Convention against Transnational Organized Crime**

**Status: 29 May 2018 at 6.00 PM**

**General guidance for replying to the questionnaire**

- States are requested, if they have not yet provided the documents to the Secretariat, to upload through the Secretariat either any laws, regulations, cases and other documents, or brief descriptions of them which are of relevance for responding to the questionnaire to the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal. [\(agreed\)](#)
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are requested to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes”.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- [\[If information on the implementation of certain articles has already been provided \[elsewhere \(USA\)\] \[in the review process of the UNCAC and the response to it has been disclosed on the UNODC website \(Japan\) \(Italy\)\], the responding State party may wish to indicate \[replace “indicate” with “copy” \(Norway\)\] this here and state where such information may be found](#)

(Secretariat). [with the necessary updates when exist (Japan) (Italy)]. [USA: open issue for further consideration]

## Draft questionnaire for the review of the implementation of United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the Convention

### I. General information

1. According to your country's legal system, can the Convention be applied directly or does it need implementing legislation?

2. Has your country designated a Central Authority pursuant to article 18 paragraph 13? Yes/No

3. Has your country designated an authority pursuant to article 31 paragraph 6? Yes/No

(AGREED)

### II. Definitions and criminalization requirements (Colombia, Mexico, Romania) under the Convention<sup>1</sup>

#### A. Definitions ~~[Switzerland, USA, Iran, Japan, Germany: delete A]~~ [Sudan: retain as voluntary]

4. [Does your country's legislation include the definitions set forth in article 2? Yes/No

Does your legislation permit your country to comply with the obligations of the Convention without adopting specific definitions? Yes/No

If not, please explain: (Russia – time to consider the amendment)]

#### B. Criminalization of participation in an organized criminal group (article 5) [Nigeria: retain]

2-5. Is participation in an organized criminal group criminalized under your domestic legislation?

Yes  in part  No

<sup>1</sup> Comment by the Chair: Some delegations opposed the inclusion of questions about any articles or subparagraphs that were optional in nature. The USA suggested that those subjects could be reviewed by discussions in the COP or working group. The USA noted that 8/2 only required that all articles be reviewed, not that all articles be the subject of questions in the questionnaire.

If the answer is “Yes”, does participation in an organized criminal group consist of:

(a) Agreeing with one or more other persons to commit a serious crime in order to obtain — directly or indirectly — a financial or other material benefit, and involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, subpara. 1 (a) (i))?

Yes  Yes, in part  No

and/or

(b) Taking an active part in the criminal activities of an organized criminal group with knowledge of either the aim and general criminal activity of that group or its intention to commit the crimes concerned, as well as taking an active part in other activities of an organized criminal group in the knowledge that such participation will contribute to the achievement of the criminal aim of that group (art. 5, subpara. 1 (a) (ii))?

Yes  Yes, in part  No

~~3-6.~~ Does your country’s legislation establish as criminal offences the acts of organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group (art. 5, para. 1 (b))?

Yes  Yes, in part  No

~~7.~~ If the answer to any of the questions in [5] and/or [6] is “Yes, in part”, please provide information on which part of the provision is not covered by existing legislation.

~~4-8.~~ If your country responded yes to question 5 a) above, does your legislation additionally require the establishment of an act in furtherance of the agreement or the involvement of an organized criminal group?

~~5-9.~~ If the answer to question 8 is “yes”, has your country so informed the Secretary-General of the United Nations as required in paragraph 3 of article 5? **(AGREED)**

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**C. Criminalization of the laundering of proceeds of crime (article 6)**  
**[USA, Germany: add language to signal to those that have replied to UNCAC and previous UNTOC questionnaires] [Germany: consider also regional mechanisms]**

[If information on the implementation of article 6 has already been provided by the responding State in the review mechanism for UNCAC and has been made available to public, the responding State party may wish to indicate this here and state where such information may be found. (Secretariat)] [Delete (Russia)]

~~6-10.~~ Is the laundering of proceeds of crime criminalized under your domestic legislation in accordance with article 6, paragraph 1 (a), of the Convention?

Yes  Yes, in part  No

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

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

Yes  Yes, in part  No

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

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~~7.11.~~ Does your legislation require that the predicate offences be committed in your country or also include offences committed outside your country?

Yes  Yes, in part  No

If the answer is “Yes, in part”, please specify the manner in which your legislation requires that the predicate offences be committed in your country or includes offences committed outside of your country.

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~~8. — If your legislation includes as predicate offences also offences committed outside your country (see question 10), is dual criminality required? (art. 6, para. 2 (e)). [Japan: delete]~~

~~9.12.~~ Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime, criminalized under your domestic legislation (art. 6, subpara. 1 (b) (i))?

Yes  Yes, in part  No

If the answer to the question above is “Yes, in part”, please explain how your country’s domestic legislation criminalizes these acts. (AGREED)

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~~10.13.~~ Are participation in, association with and conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of a money-laundering offence criminalized under your domestic legislation (art. 6, subpara. 1 (b) (ii))?

Yes  Yes, in part  No

If the answer to the question above is “Yes, in part”, please explain how your country’s domestic legislation criminalizes these acts.]

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~~11.14.~~ Does the legislation of your country permit the prosecution and punishment of an offender who committed the predicate offense for the offense of laundering of proceeds from that offence (art. 6, para. 2 (e))?

Yes  Yes, in part  No

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

The review of Article 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not party to the United Nations Convention

against Corruption. [States parties that are parties to UNCAC may wish to update the information provided during the UNCAC review (United States)]

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

Yes  Yes, in part  No

If the answer is “Yes, in part”, please specify the manner in which bribery of a public official is criminalized under your domestic legislation.

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~~12.15.~~ Is passive bribery of a public official criminalized under your domestic legislation (art. 8, para. 1 (b))?

Yes  Yes, in part  No

~~13.16.~~ <sup>[optional]<sup>2</sup> Is bribery involving a foreign public official or international civil servant criminalized under your domestic legislation (art. 8, para. 2)? [USA: delete]</sup>

Yes  Yes, in part  No

If the answer is “Yes, in part”, please explain the manner in which bribery involving a foreign public official or international civil servant is criminalized under your domestic legislation.

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~~14.17.~~ Is participation as an accomplice in bribery offences criminalized under your domestic legislation (art. 8, para. 3)?

Yes  No

## **E. Criminalization of obstruction of justice (article 23)**

[If information on the implementation of article 6 has already been provided by the responding State in the review mechanism for UNCAC and has been made available to public, the responding State party may wish to indicate this here and state where such information may be found. (Secretariat)]~~[Delete (Russia)]~~

~~15.18.~~ Is obstruction of justice criminalized under your domestic legislation in accordance with article 23 of the Convention?

Yes  Yes, in part  No

If the answer is “Yes, in part”, please specify the manner in which obstruction of justice is criminalized under your domestic legislation.

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<sup>2</sup> The use of the term “optional” refers to questions that are based on provisions of the Convention that are non-mandatory.

### III. Law enforcement and the judicial system

#### A. Liability of legal persons (article 10)

~~16-19.~~ Is liability of legal persons established under your domestic legislation in accordance with article 10 of the Convention?

Yes  Yes, in part  No

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

(i) Criminal?

Yes  No

and/or

(ii) Civil?

Yes  No

and/or

(iii) Administrative?

Yes  No

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

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

~~17-20.~~ Does your country make the commission of offences covered by the Convention liable to sanctions that take into account the gravity of those offences (art. 11, para. 1)?

Yes  No

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~~18-21.~~ **[optional]** Has your country adopted legislative or other measures to take into consideration, where appropriate, any previous conviction in another country of an alleged offender for the purpose of using such information in criminal proceedings relating to offences covered by the Convention (art. 22)? [\[USA, Jamaica, Japan: delete\]](#)

Yes  No

If the answer is “Yes”, please specify the type of measures adopted by your country.

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~~19-22.~~ Has your country established, where appropriate, a long statute of limitations period for offences covered by the Convention and a longer period where the alleged offender has evaded the administration of justice (art. 11, para. 5)?

Yes  Yes, in part  No

If the answer is **“Yes, in part” or “No”**, please specify the type of measures adopted by your country

Yes  No

~~20-23.~~ [optional] In your country, are discretionary powers - if any - relating to the prosecution of offences covered by this Convention exercised to maximize the effectiveness of law enforcement agents with regards to the need to deter the commission of such offences? (art. 11 paragraph 2)] [USA, Jamaica, Switzerland, Mexico: delete]

Yes  Yes, in part  No

~~21-24.~~ Has your country taken measures to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings (art. 11, para. 3)? (AGREED)

Yes  No

### C. Confiscation and seizure (article 12)

[If information on the implementation of article 6 has already been provided by the responding State in the review mechanism for UNCAC and has been made available to public, the responding State party may wish to indicate this here and state where such information may be found. (Secretariat)]~~[Delete (Russia)]~~

~~22-25.~~ Does your domestic legislation enable confiscation of:

(a) Proceeds of crime derived from offences covered by the Convention (art. 12, para. 1 (a))?

Yes  No

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

Yes  No

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

Yes  No

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

Yes  No

(e) Income or other benefits derived from items described under (a), (c) and (d) above (art. 12, para. 5)?

Yes  No

~~23-26.~~ Does your domestic legislation enable the identification, tracing, freezing or seizure of items described above for the purpose of eventual confiscation?

Yes  No

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

Yes  No

~~24-27.~~ Does your domestic legislation empower courts/authorities to make available or seize bank, financial or commercial records for:

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

Yes  No

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

Yes  No

#### D. Jurisdiction (article 15)

25-28. Are there any circumstances under which your country does not have jurisdiction over offences committed in its territory (art. 15, para. 1 (a))?

Yes  No

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

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26-29. Does your country have jurisdiction to prosecute the offences covered by the Convention when the offences are committed on board a vessel flying its flag or an aircraft registered under its laws (art. 15, para. 1 (b))?

Yes  Yes, in part  No

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

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27-30. Does your national legislation allow for the following extraterritorial jurisdictional bases?

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

Yes  No

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

Yes  No

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

Yes  No

(d) Jurisdiction to prosecute ancillary offences related to money-laundering offences (see question 8 above) committed outside its territory with a view to the commission of the laundering of criminal proceeds in its territory (art. 15, subpara. 2 (c) (ii))?

Yes  No

28-31. [If your country does not extradite an alleged offender on any ground other than the nationality of the offender, is it able to establish jurisdiction over offences covered by the Convention when those offences are committed by that person outside its territory (art. 15, para. 4)?]

Yes  No

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

~~29-32.~~ Does your country's legal system enable the provision of protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention (art. 24, para. 1)?

Yes  No

~~30-33.~~ If the answer to question 37 is "Yes", does your country's legal system extend protection to relatives of witnesses or other persons close to them?

Yes  No

If the answer is "Yes", please specify the manner in which your country's legal system extends protection to relative of witnesses or other persons close to them.

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~~31-34.~~ If the answer to question 37 is "Yes", does your country's legal system enable:

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

Yes  No

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

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

Yes  No

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

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~~32-35.~~ Does your country's legislation enable the provision of assistance to and protection of victims of offences covered by the Convention, in particular in cases of threat of retaliation or intimidation (art. 25, para. 1)?

Yes  No

~~33-36.~~ Does your country's legislation establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by the Convention (art. 25, para. 2)?

Yes  No

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

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~~34-37.~~ Does your country's legislation enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders involved in organized criminal activities (art. 25, para. 3)?

Yes  No

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~~35-38.~~ Has your country entered into any bilateral or multilateral agreement or arrangement with other States for the relocation of witnesses and/or victims, insofar as they are witnesses, in order to ensure their physical protection from potential retaliation or intimidation (art. 24, para. 3)?

Yes  No

If the answer is "Yes", please provide a list of any such bilateral or multilateral agreements or arrangements.

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

~~36-39.~~ Does your country's domestic legal system, within its possibilities and under the conditions prescribed by its domestic law for the purpose of effectively investigating and combating organized crime, in particular, and in accordance with article 20, paragraph 1, allow for the appropriate use of special investigative techniques such as:

(a) Controlled delivery?

Yes  No

and/or

(b) Electronic or other forms of surveillance?

Yes  No

and/or

(c) Undercover operations?

Yes  No

If the answer to any or all of the parts of question 40 is “Yes”, please provide any available information on specific conditions prescribed by your country’s legislation under which the use of special investigative techniques is permitted.

If the answer to any or all of the parts of question 40 is “No”, please provide any available information whether the use of special investigative techniques may be undertaken in particular circumstances?

~~37-40.~~ [Optional] Does your country take measures to encourage persons who participate or have participated in organized criminal groups to provide information useful to competent authorities for investigative and evidentiary purposes or any other concrete help that may contribute to depriving organized criminal groups of their resources or proceeds of crime (art. 26, para. 1)?

Yes  No

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

Yes  No

~~38.~~ [optional] If the answer to question 41 is “Yes”, does your country’s legal system provide for the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention (art. 26, para. 3)?

Yes  No

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~~39-41.~~ [optional] With regard to question [46], has your country entered into any bilateral or multilateral agreement or arrangement with other States parties concerning the treatment (mitigating punishment, immunity) of persons who can provide substantial cooperation to the competent law enforcement and investigative authorities of either contracting party (art. 26, para. 5)?

Yes  No

## IV. International cooperation in criminal matters

### A. Extradition (article 16) (Mauritius: consider joint nationality)

[If information on the implementation of article 16 has already been provided by the responding State in the review mechanism for UNCAC and has been made available to public, the responding State party may wish to indicate this here and state where such information may be found. (Secretariat)] [Delete (Russia)]

~~40-42.~~ In your country, is extradition granted:

(a) By statute?

Yes  No

and/or

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

Yes  No

and/or

(c) By virtue of reciprocity or comity?

Yes  No

41-43. If your answer to 43.b is “yes”, does your country use the Convention as the legal basis for cooperation on extradition with other States parties to the Convention (art. 16, para. 5 (a))?

Yes  Yes, under conditions  No  Not applicable (Japan)

[If your answer is “yes”, have you communicated (so) to the Secretary General of the United Nations (China: end question here) that you are going to consider the Convention as legal basis for extradition? (Argentina)]

42-44. If in your country extradition is conditional on the existence of a treaty, have the offences set forth in the Convention<sup>3</sup> in practice been deemed to be extraditable offenses in bilateral or multilateral treaties (art. 16, para. 3)?

Yes  Yes, in part  No  Not applicable

43-45. If in your country extradition is granted by statute, does that statute cover all offences set forth in the Convention as extraditable offences (art. 16, para. 6)?

Yes  Yes, in part  No  Not applicable

44-46. [optional] What are the conditions provided for in your country for granting extradition, including the minimum penalty requirement (as the threshold to identify extraditable offences) and the grounds on which the requested State may refuse extradition (art. 16, para. 7)? Please specify.

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45-47. Is the double criminality requirement established in your domestic legal framework for granting an extradition request?

Yes  Yes, in part  No

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

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46-48. [optional] Does your domestic legal framework provide for specific evidentiary requirements for granting an extradition request (art. 16, para. 8)?

Yes  Yes, in part  No

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

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47-49. [optional] Are simplified extradition proceedings available in your country to expedite extradition proceedings (art. 16, para. 8)?

Yes  Yes, in part  No

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

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<sup>3</sup> Set forth in the Convention refers to article XXXXXXXX [complete] including the Protocols to which your country is a party to.

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~~48-50.~~ Does your country refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters (art. 16, para. 15)?

Yes  No

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

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~~49-51.~~ Does your domestic legal system permit extradition of your nationals to another country?

Yes  Yes, in part  No

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

~~50.~~ ~~If~~ If your country does not extradite its nationals, is it able to establish jurisdiction over offences covered by the Convention when those offences are committed by its nationals outside its territory (arts. 15, para. 3, and 16, para. 10)?

Yes  Yes, in part  No

~~51-52.~~ [optional] If your country does not extradite an alleged offender on any ground other than the nationality of the offender, is it able to establish jurisdiction over offences covered by the Convention when those offences are committed by that person outside its territory (art. 15, para. 4)?] (move up – 53)

~~52.~~

Yes  Yes, in part  No

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53. [optional] Is conditional surrender in accordance with article 16, paragraph 11, of the Convention available in your country?

Yes  No

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

Yes  Yes, in part  No

Kenya: if the answer is “yes, in part” or “no”, please explain.

54bis. Before refusing extradition, does your country consult, where appropriate, with the requesting State, when appropriate, to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation?

The responding State party may wish to provide a list of any bilateral and/or multilateral agreements or arrangements concluded by the State party to carry out or to enhance the effectiveness of extradition (art. 16, para. 17). If such texts are publicly available, please provide a link to the most relevant information. [\(move the box to the top\)](#)

## B. Mutual legal assistance (article 18)

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

(a) By statute?

Yes  No

and/or

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

Yes  No

and/or

(c) By virtue of reciprocity or comity?

Yes  No

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

Yes  No

57. Is your country able to apply the provisions of article 18 of the Convention, including paragraphs 9 to 29 thereof, in order to provide mutual legal assistance to other States parties to the Convention with which it does not have another mutual legal assistance treaty in force?

Yes  Yes, in part  No

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

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

(a) Taking evidence or statements from persons?

Yes  No

and/or

(b) Effecting service of judicial documents?

Yes  No

and/or

(c) Executing searches and seizures, and freezing?

Yes  No

and/or

(d) Examining objects and sites?

Yes  No

and/or

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

Yes  No

and/or

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

Yes  No

and/or

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

Yes  No

and/or

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

Yes  No

and/or

(i) [optional] any other type of assistance that is not contrary to your domestic law and please list or specify.

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

Yes  No

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

Yes  No

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

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

Yes  Yes, in part  No

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

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

Yes  Yes, in part  No

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

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

Yes  Yes, in part  No

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

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

~~66.~~  Yes  No

~~67.~~

~~68.~~ If you have additional requirements, please consider providing those to the Secretariat.

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~~69.~~~~66.~~ How is a mutual legal assistance request executed in your country when acting as the requested State (art. 18, para. 17)? [[China, Tanzania, Sudan, Japan, Singapore: very broad – consider revising](#)] [[Sudan: Does the domestic law of the State Party provide for specific conditions concerning the execution of the request or not? Yes – No.](#)] [[Japan, Brazil: delete question](#)] [[Switzerland, Jamaica, Russian Fed., Nigeria, Germany: rephrase question](#)]

[Suggestions: Is your state able to execute an MLA request in accordance with the procedures specified in the request? \(Secretariat\) – Have you been unable to execute an MLA request in accordance with the procedures specified in the request? If so, please explain \(Switzerland, USA, Germany, Kenya, Turkey\) \[Russian Fed., Singapore: cannot support suggestions – open issue for further consideration\] - Does your national legal framework execute an MLA request in accordance with the procedures specified in the request? If so, please explain. \(Russian Fed.\)](#)

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Please provide a list of [some \(Morocco\)](#) bilateral and/or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of article 18 of the Convention (art. 18, para. 30). [[Russian Fed., Brazil, Morocco: keep it optional](#)] [[Brazil: only provide the number of agreements](#)]

### C. Transfer of criminal proceedings (article 21)

~~70.~~~~67.~~ Has your country implemented measures to enable the transfer of criminal proceedings for the prosecution of offences covered by the Convention (art. 21)? If so, please specify what those measures are. [[Iran: Has your country concluded agreement to enable the transfer of criminal proceedings for the prosecution of offences covered by the Convention \(art. 21\)? If so, please specify what those measures are](#)] [[Brazil, Argentina: Is your country able to receive or transfer the transfer of criminal proceedings? Yes - No](#)] [[Sudan: Has the legal system of your country allowed for the transfer of criminal proceedings for the prosecution of offences?](#)] [[USA: delete](#)] [[Jamaica: retain Brazil's suggestion adding: What mechanisms or measures have your country implemented to allow for this?](#)]

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### D. Transfer of sentenced persons (article 17)

~~71-68.~~ Has your country concluded any bilateral or multilateral agreements or arrangements on the transfer of sentenced persons for offences covered by the Convention (art. 17)? If so, please provide a list of such agreements or arrangements.

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## E. Joint investigations (article 19)

~~72-69.~~ Has your country entered into any bilateral or multilateral agreement or arrangement whereby, in relation to matters that are the subject of investigation, prosecution or judicial proceedings in one or more States parties, the competent authorities concerned may establish joint investigative bodies or does its domestic legislation provide a legal basis for the establishment of joint investigative bodies (Switzerland, Jamaica) (art. 19)? [Jamaica: Have your competent authorities established joint investigative bodies in your country? Has your country entered into any bilateral or multilateral agreement or arrangement in relation to the investigations, prosecution or judicial proceedings between one or more States parties?] [Sudan: Has your country entered into any bilateral or multilateral agreement or arrangements which allow for the establishment of joint investigative bodies? Does your country allow for joint investigations on a case-by-case basis?]

Yes  No

79bis. Does your national legislation provide a legal basis for the establishment of joint investigative bodies? (Russian Fed.)

If the answer is “Yes”, please specify any joint investigative bodies.

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~~73-70.~~ In the absence of any agreement or arrangement of the sort referred to in the question above, does your country permit joint investigations on a case-by-case basis? [Iran: delete. Suggestion: Does your country permit joint investigation on a case-by-case and reciprocity basis? Romania: delete “and reciprocity”] [Romania: retain question]

Yes  No

If the answer is “Yes”, please specify the circumstances under which your country permits joint investigations on a case-by-case basis in the absence of any agreement or arrangement. [Algeria, Russian Fed., Jamaica: delete]

80bis. Has your country entered into any bilateral or multilateral agreement or arrangement whereby, in relation to matters that are the subject of investigation, prosecution or judicial proceedings in one or more States parties, the competent authorities concerned established joint investigative bodies? Yes – No. If the answer is “yes”, please specify. (Russian Fed.)

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

~~74-71.~~ Has your country concluded any bilateral or acceded to any multilateral agreement or arrangement, or taken any domestic measures (Chair, Switzerland), for the use of special investigative techniques, as mentioned in the question above, in the context of international cooperation to combat transnational organized crime (art. 20, para. 2)? [Iran, Kenya, Oman, Singapore: delete]

Yes  No

If the answer is “Yes”, please provide a list of any such bilateral and/or multilateral agreements or arrangements. [\[Switzerland: delete\]](#)

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~~75-72.~~ In the absence of any agreement or arrangement of the sort referred to in the question above, does your country permit the use of special investigative techniques at the international level on a case-by-case basis? [\[Iran, Kenya, Oman, Singapore: delete\]](#)

Yes  No

If the answer is “Yes”, please specify the circumstances under which your country permits the use of special investigative techniques at the international level.

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

~~76-73.~~ Does your country’s legal system permit confiscation ~~Is your country able to confiscate~~ [\(Iran\)](#) / Does your domestic legal framework enable the competent authorities to confiscate [\(Sudan\)](#) the proceeds of crime, as described under question ~~276~~ [\(correction\)](#), at the request of another State party? [\[Kenya: retain original\]](#)

Yes  Yes, in part  No

(a) If the answer is “Yes, in part”, please specify any challenges encountered in confiscating the proceeds of crime at the request of another State party.

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(b) If the answer is “Yes”:

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

Yes  No

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

Yes  No

~~77-74.~~ Does your ~~domestic~~ [\(Kenya\)](#) legal framework enable the competent authorities to identify, trace and freeze and seize the proceeds of crime, as described under question 29, for the purpose of eventual confiscation, at the request of another State party?

Yes  Yes, in part  No

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

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~~78-75.~~ If any [legal \(Iran\) \(Mauritius: remove ‘legal’\)](#) grounds for refusal [specific to \(Chair, Switzerland, Japan\)](#) of a request for cooperation for the purposes of confiscation are provided for in your domestic legal framework, please explain what those grounds are.

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~~79-76.~~ What ~~kind of (Mauritius)~~ information does your ~~domestic (Mauritius)~~ legal framework require for inclusion in a request for cooperation for the purposes of confiscation ~~other than those enumerated in article 13, para. 3 and article 18, para. 15 (Japan)~~ (arts. 13, para. 3, ~~and 18, para. 15 (Secretariat, Mexico)~~)? ~~[Switzerland: delete]~~

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

~~80-77.~~ Does the legislation of your country permit the return of confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or the return of such proceeds of crime or property to their legitimate owners (art. 14, para. 2)?

Yes  Yes, in part  No

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

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~~81-78.~~ Are there any agreements or arrangements in force with other States that enable the disposal of confiscated proceeds of crime or property upon request of the other State (art. 14, para. 3)?

Yes  No

If the answer is “Yes”, please list any agreements or arrangement in force with other States. ~~[Sudan: modify question to reference identifying the principles or legislation]~~

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~~82-79.~~ Are there any agreements or arrangements in force with other States that enable the sharing of proceeds of crime with those States (art. 14, para. 3 (b))?

Yes  No

If the answer is “Yes”, please specify any agreements or arrangements in force with other States that enable the sharing of proceeds of crime with those States.

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

~~83-80.~~ Does your country’s legal and operational framework enable the administrative, regulatory, law enforcement or judicial authorities in charge of efforts against money-laundering to cooperate and exchange information at the international level (art. 7, para. 1 (b))? ~~[Iran: move question to Chapter V]~~

Yes  No

If the answer is “Yes”, please specify ~~the manner— any arrangements or agreements (Sudan)~~ in which your country’s legal and operational framework enable such cooperation and exchange information at the international level.

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~~84-81.~~ Does your country participate in any global, regional, subregional or bilateral schemes geared towards promoting cooperation between judicial, law enforcement and financial regulatory authorities in order to combat money-laundering (art. 7, para. 4)?

Yes  No

If the answer is “Yes”, please specify what those schemes are. [[Switzerland: delete](#)]

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## J. International law enforcement cooperation (article 27)

~~85-82.~~ Have the competent authorities of your country established or enhanced channels of communication with their counterparts in other States parties in order to facilitate the secure and rapid exchange of information concerning all aspects of offences covered by the Convention, including, where appropriate, links with other criminal activities (art. 27, para. 1 (a))? [[Switzerland, Germany: delete](#)] [[Kenya: retain](#)]

Yes  No

If the answer is “Yes”, ~~please describe such channels of communication and/or how existing channels have been enhanced.~~ kindly provide some examples ([Kenya, Switzerland, Singapore](#))

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~~86-83.~~ Has your country taken any measures to promote law enforcement cooperation with other States parties in conducting inquiries with respect to offences covered by the Convention (art. 27, para. 1 (b)), in particular in relation to:

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

Yes  No

and/or

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

Yes  No

and/or

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

Yes  No

If the answer to any of the questions in (a)-(c) is “Yes”, ~~please specify the type~~ kindly provide some examples ([Kenya, Switzerland, Singapore](#)) of measures taken to promote law enforcement cooperation with other States parties in relation to (a), (b) and/or (c).

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~~87-84.~~ Has your country adopted any measures to provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes (art. 27, para. 1 (c))?

Yes  No

If the answer is “Yes”, ~~please specify any measures adopted.~~ [kindly provide some examples \(Kenya, Switzerland, Singapore\)](#)

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~~88-85.~~ Has your country adopted any measures to facilitate effective coordination with law enforcement authorities of other States parties and promote the exchange of personnel or the posting of liaison officers (art. 27, para. 1 (d))?

Yes  No

If the answer is “Yes”, [kindly provide some examples \(Kenya, Switzerland, Singapore\)](#) ~~please specify any measures adopted.~~

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~~89-86.~~ Has your country adopted any measures to promote the exchange of information with other States parties on specific means and methods used by organized criminal groups, including routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities (art. 27, para. 1 (e))?

Yes  No

If the answer is “Yes”, ~~kindly provide some examples (Switzerland)~~ [please specify any measures adopted.](#)

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~~90-87.~~ Has your country adopted any measures to promote the exchange of information and the coordination of administrative measures with other States parties for the purpose of early identification of the offences covered by the Convention (art. 27, para. 1 (f))?

Yes  No

If the answer is “Yes”, ~~please specify any measures adopted.~~ [kindly provide some examples \(Kenya, Switzerland, Singapore\)](#)

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

Yes  No

If the answer is “Yes”, please provide a list of any such bilateral or multilateral agreements or arrangements.

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~~91-88.~~ In the absence of any agreement or arrangement, would your country consider the Convention as the legal basis for mutual law enforcement cooperation in respect of the offences covered by it (art. 27, para. 2)? [\[Sudan: reference to article 16, para 5, subpara. a\]](#)

Yes  No

[92-89.](#) Have the competent authorities of your country been involved in international law enforcement cooperation to combat transnational organized crime committed through the use of modern technology (art. 27, para. 3)?

Yes  No

## V. Prevention, technical assistance and other measures

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

[93-90.](#) Has your country instituted a domestic regulatory and supervisory regime for banks and non-bank financial institutions or other bodies particularly susceptible to money-laundering in order to detect and deter all forms of money-laundering (art. 7, para. 1 (a))? [\[Switzerland: include UNCAC consideration\]](#)

Yes  No

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

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

(i) Customer identification?

Yes  No

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

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(ii) Record-keeping?

Yes  No

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

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(iii) Reporting of suspicious transactions?

Yes  No

If the answer is “Yes”, please specify and provide any available information on, inter alia, the criteria used for identifying suspicious transactions or the sanctions imposed for non-compliance with reporting requirements. [\[Germany: If the answer is “yes”, kindly provide examples\]](#)

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[94-91.](#) Does your country’s legal framework enable the administrative, regulatory, law enforcement or judicial authorities in charge of efforts against money-laundering to cooperate and exchange information at the national level (art. 7, para. 1 (b))?

Yes  No

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

Yes  No

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

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~~95.92.~~ Has your country implemented measures to detect and monitor the movement of cash and appropriate negotiable instruments across its borders (art. 7, para. 2)?

Yes  No

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

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**B. Corruption (article 9)**  
**(USA: include UNCAC consideration)**

~~96.93.~~ Does your country have arrangements in place ~~Has your country implemented measures (Sudan)~~ to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

Yes  No

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

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~~97.94.~~ Does your country have arrangements in place ~~Has your country implemented measures (Sudan)~~ to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions (art. 9, para. 2)?

Yes  No

If the answer is “Yes”, please specify the measures implemented to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

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**C. Other preventive measures**

~~98.95.~~ Has your country established a practice of analysing, in consultation with the scientific and academic communities, where appropriate (Iran), trends in organized crime within its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved (art. 28, para. 1)?

Yes  No

If the answer is “Yes”, please specify the type of practice established by your country. [USA: If the answer is “yes”, kindly provide examples]

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~~99-96.~~ 96. Does your country monitor its policies and actual measures to combat organized crime and make assessments of their effectiveness and efficiency (art. 28, para. 3)? [\[Sudan: shorten the question keeping to the language in the Convention\]](#)

Yes  No

If the answer is “Yes”, please specify the monitoring and the assessments undertaken by your country.

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~~100-97.~~ 97. Has your country developed and improved training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, as well as other personnel charged with the prevention, detection and control of the offences covered by the Convention (art. 29, para. 1)?

Yes  No

If the answer is “Yes”, please specify the type of training programmes developed by your country for law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, as well as other personnel charged with the prevention, detection and control of the offences covered by the Convention. [\[Japan: If the answer is “yes”, kindly provide examples\]](#)  
[\[Kenya: delete follow-up because of question 101.a\(i\) to \(x\)\]](#)

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

(i) Secondment and exchanges of staff

Yes  No

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

Yes  No

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

Yes  No

(iv) Monitoring of the movement of contraband

Yes  No

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

Yes  No

(vi) Collection of evidence

Yes  No

(vii) Control techniques in free trade zones and free ports

Yes  No

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

Yes  No

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

Yes  No

(x) Methods used in the protection of victims and witnesses

Yes  No

~~101-98.~~ Has your country promoted training and technical assistance to facilitate extradition and mutual legal assistance (art. 29, para. 3)?

Yes  No

If the answer is “Yes”, please specify the manner in which your country promoted training and technical assistance to facilitate extradition and mutual legal assistance. [\[Kenya: If the answer is “yes”, kindly provide best practices.\]](#)

[\[Sudan: If the answer is “no”, please specify challenges or difficulties – throughout the section\]](#)

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

(i) Language training

Yes  No

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

Yes  No

~~102-99.~~ Has your country developed any national projects or established and promoted best practices and policies aimed at the prevention of transnational organized crime (art. 31, para. 1)? [\[Iran: need to reformulate\]](#)

Yes  No

If the answer is “Yes”, please provide information on any national project(s) or established best practices and policies aimed at the prevention of transnational organized crime.

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~~103-100.~~ Has your country adopted measures to reduce existing or [\[future opportunities\]](#) [\(Iran: concern about the ability to define it for purposes of the questionnaire\)](#) for organized criminal groups to participate in lawful markets with proceeds of crime (art. 31, para. 2), including: [\[Mauritius: delete or simplify\]](#)

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

Yes  No

and/or

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants?

Yes  No

and/or

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

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

Yes  No

and/or

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

Yes  No

and/or

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

Yes  No

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

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~~104~~101. Does your country's legislation [operational framework \(Nigeria\)](#) enable the reintegration into society of persons convicted of offences covered by the Convention (art. 31, para. 3)?

Yes  No

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

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~~105~~102. ~~Have~~Does your country's competent authorities ~~take~~ [\(Kenya\)](#) any action to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31, para. 4)?

Yes  No

If the answer is "Yes", please specify the manner in which your country's competent authorities have periodically evaluated existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups. [\[Sudan: If the answer is "yes", please indicate the actions.\]](#)

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~~106~~103. Have your country's competent authorities taken any action to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime, as well as public participation in preventing and combating such crime (art. 31, para. 5)?

Yes  No

If the answer is “Yes”, please specify the manner in which your country’s competent authorities have promoted public awareness.

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~~107~~104. Does your country have an authority or authorities that can assist other States parties in developing measures to prevent transnational organized crime (art. 31, para. 6)?

Yes  No

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

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~~108~~105. Has your country been involved in collaboration schemes or projects with other States parties or relevant international and regional organizations in order to promote and develop measures to prevent transnational organized crime and, in particular, to alleviate the circumstances that render socially marginalized groups vulnerable to the action of such crime (art. 31, para. 7)? [\[USA: include best practices\]](#)

Yes  No

If the answer is “Yes”, please specify any collaboration schemes or projects with other States parties or relevant international and regional organizations.

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~~109~~106. Has your country developed and shared [\[analytical expertise\]](#) [\(Mauritius: term needs defining\)](#) concerning organized criminal activities with other States parties and through international and regional organizations? If so, were common definitions, standards and methodologies developed and applied (art. 28, para. 2)? [\[USA: include best practices\]](#)

Yes  No

If the answer is “Yes”, please specify any expertise concerning organized criminal activities that has been developed and shared by your country with other States parties and through international and regional organizations.

[Note by the Secretariat: explanatory context to understand the notion of of “analytical expertise” available in the Legislative Guide. The Travaux Préparatoires of the Convention also offer assistance in this regard, with reference - for comparison purposes - to article 27 para. 1 \(e\) and \(f\) of the Convention.](#)

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~~110~~107. Has your country assisted other States parties in planning and implementing research and training programmes designed to share expertise in the areas referred to article 29, paragraph 1, of the Convention (art. 29, para. 2)? [\[USA: include best practices\]](#)

Yes  No

If the answer is “Yes”, please specify any assistance carried out by your country in planning and implementing research and training programmes designed to share expertise in areas referred to in article 29, paragraph 1, of the Convention.

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~~111~~108. Has your country been involved in efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements (art. 29, para. 4)?

Yes  No

If the answer is “Yes”, please specify ~~any efforts~~ best practices/examples (Switzerland, Germany) by your country to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements.

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~~112~~109. Has your country cooperated with developing countries and countries with economies in transition to strengthen their capacity to prevent and combat transnational organized crime, as well as in providing them with technical assistance in order to implement the Convention (art. 30, para. 2)?

Yes  No

If the answer is “Yes”, please specify best practices/examples of (Switzerland, Germany) any such cooperation and/or technical assistance activities.

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~~113~~110. Has your country concluded any bilateral or multilateral agreement or arrangement on material and logistical assistance for the prevention, detection and control of transnational organized crime (art. 30, para. 4)?

Yes  No

If the answer is “Yes”, please provide a list of any bilateral or multilateral agreement or arrangement concluded.

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## VI. Difficulties encountered and assistance required <sup>4</sup>

### A. Difficulties encountered

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<sup>4</sup> Romania: Part VI of the draft questionnaire is focused on some of the most important issues related to a potential review process such as difficulties encountered and assistance required. Although we do not know for the time being how the review process would look like, during the negotiations we always discussed about cycles of evaluation and clusters of articles. Resolution 8/2 also puts forward such a proposal and the discussions on this issue are going to continue during the Open-ended intergovernmental meeting on the Review later this month. Once this questionnaire will be finalized and the review process started, it is our understanding that the review will be gradual, and states will not fill in the entire questionnaire from the very beginning, but gradually/step by step answer to its questions, based on what decision is being taken with regard to the review cycles (for example, if the first review cycle will be dedicated to criminalization, States should answer only questions 3 to 19.) Therefore, the final questions referring to the difficulties and assistance required should in our view touch upon all the relevant clusters and should be addressed in the framework of each cycle. As the questions are general in nature, we believe, at the end of articles dedicated to a review cycle, a general item could be inserted-sending to the final part of the questionnaire but particularizing to the specific theme. For example, referring again to Definitions and criminalization requirements under the Convention, after question 19 a general item could be introduced sending to part VI and asking the practitioners to respond to items from Part VI of the questionnaire but in the strict context of the criminalization issue. Another option would be to adjust the questions from Part VI to each of the clusters, but this would be more complicated and time consuming.

~~114~~111. If domestic legislation has not been adapted to the Convention's requirements, what steps remain to be taken? (For example, is legislation being drafted? Has legislation been submitted for approval?) Please specify any steps that remain to be taken as regards implementing legislation.

122bis. Russian Fed.: Has your country encountered any difficulties in implementing Convention? If "yes", please specify. [Japan: Has your country encountered any difficulties in implementing the mandatory provisions of the Convention and, for parties to the Protocols, the relevant Protocols? If "yes", please explain. (Russian Fed., Singapore: delete) [USA, Mexico (mention art 34, para. 1)]

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~~115~~112. Are there any difficulties hampering the adoption of adequate national legislation or using existing legislation? [Russian Fed: with 122.bis, delete question 123]

Yes  No

If the answer is "Yes", please specify the main difficulties encountered (please choose as many as apply):

- None
  - Problems with the formulation of legislation
  - Need for further implementing legislation (laws, regulations, decrees, etc.)
  - Reluctance of practitioners to use existing legislation
  - Insufficient dissemination of existing legislation
  - Limited inter-agency coordination
  - Specificities of the legal system
  - Competing priorities for the national authorities
  - Limited resources for the implementation of existing legislation
  - Limited cooperation with other States
  - Lack of awareness of the existing legislation
  - Other issues (please specify)
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## B. Need for technical assistance

~~116~~113. Does your country require legal<sup>5</sup> technical assistance to overcome ~~such~~ difficulties in adopting adequate national legislation (Germany, if question 123 is deleted)?

Yes  No

(a) If the answer is "Yes", please specify the type of technical assistance needed.

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<sup>5</sup> Comment by the Secretariat with the Chair's approval: the addition of the qualifier "legal" before technical assistance narrows down the scope of assistance that can be provided and is in contradiction with the following list of different forms of technical assistance that can be selected.

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

- Legal advice
  - Legislative drafting support
  - Model legislation/regulation(s)
  - Model agreement(s)
  - Standard operating procedures
  - Development of strategies/policies, including action plans
  - Dissemination of good practices/lessons learned
  - Capacity-building through the training of practitioners or trainers
  - On-site assistance by a mentor or relevant expert
  - Institution-building, or the strengthening of existing institutions
  - Prevention and/or awareness-raising
  - Technological assistance
  - Establishment of databases
  - Measures to enhance regional cooperation
  - Measures to enhance international cooperation
  - Other assistance (please specify)
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- 

## VII. Other information

[117-114.](#) Please provide any other information you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider at the present stage regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above.

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