

26 January 2012

English only

**Open-ended intergovernmental working group
on the review of the implementation of the
United Nations Convention against
Transnational Organized Crime and the
Protocols thereto**

Vienna, 23-27 January 2012

Item 3 of the provisional agenda

**Terms of reference for such proposed review mechanism
or mechanisms, guidelines for governmental experts and a
blueprint for the country review reports**

**Allocation of the articles of the Convention and the
Protocols thereto***

Introduction

1. The allocation of articles contained in this document is the outcome of informal consultations conducted by H.E. Ambassador Ulises Canchola Gutierrez (Mexico), the Chair of the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, with a view to advancing mutual understanding and to promote the resolution of outstanding issues on the review mechanism(s) for the Organized Crime Convention and the Protocols thereto. The informal consultations were held from July to December 2011.

2. The allocation of articles was discussed during the second session of the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. During that session, it was emphasized that, when analysing implementation of the articles contained in the clusters in all the review cycles, due attention and consideration shall be given to technical assistance as a cross-cutting issue and hence as an important element for the effective implementation of the Convention and its Protocols.

* As revised on 26 January 2012.



First cycle: proposed allocation of articles to thematic area

3. For the first cycle, the proposed allocation of articles by thematic area is as follows:

Criminalization and international cooperation: mutual legal assistance and extradition cluster

Art. 5 Convention ¹	Criminalization of participation in an organized criminal group
Art. 6 Convention ²	Criminalization of the laundering of proceeds of crime
Art. 7 Convention	Measures to combat money-laundering
Art. 8 Convention ³	Criminalization of corruption
Art. 9 Convention ⁴	Measures against corruption
Art. 10 Convention ⁵	Liability of legal persons
Art. 12 Convention	Confiscation and seizure
Art. 13 Convention	International cooperation for purposes of confiscation
Art. 14 Convention	Disposal of confiscate proceeds of crime or property
Art. 15 Convention	Jurisdiction
Art. 16 Convention	Extradition
Art. 18 Convention	Mutual legal assistance
Art. 23 Convention ⁶	Criminalization of obstruction of justice
Art. 34 Convention	Implementation of the Convention
Art. 5 Trafficking Protocol	Criminalization
Art. 6 Smuggling Protocol	Criminalization
Art. 5 Firearms Protocol	Criminalization
Art. 8 Firearms Protocol	Marking of firearms

¹ In conjunction with Art. 2 and Art. 3 Convention.

² In conjunction with Art. 2 and Art. 3 Convention.

³ In conjunction with Art. 2 and Art. 3 Convention. For countries which are not States parties to UNCAC.

⁴ For countries which are not parties to UNCAC.

⁵ In conjunction with Art. 2, and Art. 3 Convention.

⁶ In conjunction with Art. 2, and Art. 3 Convention.

Art. 29 Convention ⁷	Training and technical assistance
Art. 30 Convention ⁸	Other measures: implementation of the Convention through economic development and technical assistance

Second cycle: proposed allocation of articles by thematic area

4. For the second cycle, the proposed indicative allocation of articles by thematic area is as follows:

International cooperation and law enforcement cluster

Art. 16 Convention ⁹	Extradition
Art. 17 Convention	Transfer of sentenced persons
Art. 18 Convention ¹⁰	Mutual legal assistance
Art. 19 Convention	Joint investigations
Art. 20 Convention	Special investigative techniques
Art. 21 Convention	Transfer of criminal proceedings
Art. 22 Convention	Establishment of criminal records
Art. 24 Convention	Protection of witnesses
Art. 26 Convention	Measures to enhance cooperation with law enforcement authorities
Art. 27 Convention	Law enforcement cooperation
Art. 28 Convention	Collection, exchange and analysis of information on the nature of organized crime
Art. 10 Trafficking Protocol	Information exchange and training
Art. 11 Trafficking Protocol	Border Measures
Art. 7 Smuggling Protocol	Cooperation
Art. 10 Smuggling Protocol ¹¹	Information
Art. 11 Smuggling Protocol	Border Measures
Art. 17 Smuggling Protocol	Agreements and arrangements
Art. 18 Smuggling Protocol ¹²	Return of smuggled migrants
Art. 6 Firearms Protocol	Confiscation, seizure and disposal

⁷ In conjunction with other articles to be reviewed under this cluster.

⁸ In conjunction with other articles to be reviewed under this cluster.

⁹ To update, if needed, within this cycle.

¹⁰ To update, if needed, within this cycle.

¹¹ Art. 10 is also included under international cooperation cluster.

¹² Art. 18 is also included under international cooperation cluster.

Art. 12 Firearms Protocol Information
Art. 13 Firearms Protocol Cooperation

Preventive measures cluster

Assistance and protection measures cluster

Art. 29 Convention¹³ Training and technical assistance
Art. 30 Convention¹⁴ Other measures: implementation of the Convention
through economic development and technical
assistance

Third cycle: proposed allocation of articles by thematic area

5. For the third cycle, the proposed clusters by thematic area are as follows:

Preventive measures cluster

Assistance and protection measures cluster

Art. 29 Convention¹⁵ Training and technical assistance
Art. 30 Convention¹⁶ Other measures: implementation of the Convention
through economic development and technical
assistance

¹³ In conjunction with other articles to be reviewed under this cluster.

¹⁴ In conjunction with other articles to be reviewed under this cluster.

¹⁵ In conjunction with other articles to be reviewed under this cluster.

¹⁶ In conjunction with other articles to be reviewed under this cluster.