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**

<table>
<thead>
<tr>
<th>Article</th>
<th>Convention</th>
<th>Description</th>
</tr>
</thead>
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<tr>
<td>Art. 5</td>
<td>Convention¹</td>
<td>Criminalization of participation in an organized criminal group</td>
</tr>
<tr>
<td>Art. 6</td>
<td>Convention²</td>
<td>Criminalization of the laundering of proceeds of crime</td>
</tr>
<tr>
<td>Art. 7</td>
<td>Convention</td>
<td>Measures to combat money-laundering</td>
</tr>
<tr>
<td>Art. 8</td>
<td>Convention³</td>
<td>Criminalization of corruption</td>
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<td>Art. 9</td>
<td>Convention⁴</td>
<td>Measures against corruption</td>
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<td>Art. 10</td>
<td>Convention⁵</td>
<td>Liability of legal persons</td>
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<td>Art. 12</td>
<td>Convention</td>
<td>Confiscation and seizure</td>
</tr>
<tr>
<td>Art. 13</td>
<td>Convention</td>
<td>International cooperation for purposes of confiscation</td>
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<td>Art. 14</td>
<td>Convention</td>
<td>Disposal of confiscate proceeds of crime or property</td>
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<td>Art. 15</td>
<td>Convention</td>
<td>Jurisdiction</td>
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<td>Art. 16</td>
<td>Convention</td>
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<td>Art. 18</td>
<td>Convention</td>
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<td>Art. 23</td>
<td>Convention⁶</td>
<td>Criminalization of obstruction of justice</td>
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<td>Art. 34</td>
<td>Convention</td>
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<td>Art. 5</td>
<td>Trafficking Protocol</td>
<td>Criminalization</td>
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<td>Art. 6</td>
<td>Smuggling Protocol</td>
<td>Criminalization</td>
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<td>Art. 5</td>
<td>Firearms Protocol</td>
<td>Criminalization</td>
</tr>
<tr>
<td>Art. 8</td>
<td>Firearms Protocol</td>
<td>Marking of firearms</td>
</tr>
</tbody>
</table>

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\textsuperscript{7} Training and technical assistance
Art. 30 Convention\textsuperscript{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\textsuperscript{9} Extradition
Art. 17 Convention Transfer of sentenced persons
Art. 18 Convention\textsuperscript{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\textsuperscript{11} Information
Art. 11 Smuggling Protocol Border Measures
Art. 17 Smuggling Protocol Agreements and arrangements
Art. 18 Smuggling Protocol\textsuperscript{12} Return of smuggled migrants
Art. 6 Firearms Protocol Confiscation, seizure and disposal

\textsuperscript{7} In conjunction with other articles to be reviewed under this cluster.
\textsuperscript{8} In conjunction with other articles to be reviewed under this cluster.
\textsuperscript{9} To update, if needed, within this cycle.
\textsuperscript{10} To update, if needed, within this cycle.
\textsuperscript{11} Art. 10 is also included under international cooperation cluster.
\textsuperscript{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 Convention\textsuperscript{13} Training and technical assistance
Art. 30 Convention\textsuperscript{14} 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 Convention\textsuperscript{15} Training and technical assistance
Art. 30 Convention\textsuperscript{16} Other measures: implementation of the Convention through economic development and technical assistance

\textsuperscript{13} In conjunction with other articles to be reviewed under this cluster.
\textsuperscript{14} In conjunction with other articles to be reviewed under this cluster.
\textsuperscript{15} In conjunction with other articles to be reviewed under this cluster.
\textsuperscript{16} In conjunction with other articles to be reviewed under this cluster.