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.
First cycle: proposed allocation of articles to thematic area

2. For the first cycle, the proposed allocation of articles to thematic area are as follows:

Criminalization and law enforcement 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. 10 Convention\(^4\)  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. 23 Convention\(^5\)  Criminalization of obstruction of justice

Art. 28 (3) Convention  Collection, exchange and analysis of information on the nature of organized crime

Art. 34 Convention  Implementation of the Convention

Art. 5 Trafficking Protocol\(^6\)  Criminalization

Art. 6 Trafficking Protocol\(^7\)  Criminalization

Art. 11 (3) and (4) Smuggling Protocol  Border Measures

Art. 7 Firearms Protocol\(^8\)  Record-keeping

\(^1\) In conjunction with Art. 2.
\(^2\) In conjunction with Art. 2.
\(^3\) In conjunction with Art. 2.
\(^4\) In conjunction with Art. 2.
\(^5\) In conjunction with Art. 2.
\(^6\) In conjunction with Art. 3 and Art. 12.
\(^7\) In conjunction with Art. 3 and Art. 12.
\(^8\) Art. 7 is also included in criminalization and law enforcement cluster.
Art. 8 Firearms Protocol\(^9\) Marking of firearms
Art. 10 Firearms Protocol\(^{10}\) General requirements for export, import and transit licensing or authorization systems

**International Cooperation cluster**

Art. 16 Convention Extradition
Art. 17 Convention Transfer of sentenced persons
Art. 18 Convention Mutual legal assistance
Art. 19 Convention Joint investigations
Art. 21 Convention Transfer of criminal proceedings
Art. 24 (3) Convention Protection of witnesses
Art. 27 Convention Law enforcement cooperation
Art. 28 (2) Convention Collection, exchange and analysis of information on the nature of organized crime
Art. 10 (1) Trafficking Protocol Information exchange and training
Art. 10 (1) Smuggling Protocol\(^{11}\) Information
Art. 18 Smuggling Protocol\(^{12}\) Return of smuggled migrants

**Second cycle: proposed allocation of articles by thematic area**

3. For the second cycle, the proposed allocation of articles to thematic area are as follows:

**Preventive Measures cluster**

Art. 9 Convention Measures against corruption
Art. 31 Convention Prevention
Art. 9 Trafficking Protocol Prevention of trafficking in persons
Art. 11 (1), (2), (5) and (6) Trafficking Protocol Border measures
Art. 12 Trafficking Protocol Security and control of documents

\(^9\) Art. 8 is also included in criminalization and law enforcement cluster.
\(^{10}\) Art. 10 is also included under criminalization and law enforcement cluster.
\(^{11}\) Art. 10 is also included under international cooperation cluster.
\(^{12}\) Art. 18 is also included under international cooperation cluster.
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**Assistance and Protection Measures cluster**

| Art. 24 Convention | Protection of witnesses |
| Art. 25 Convention | Assistance to and protection of victims |
| Art. 26 (4) Convention | Measures to enhance cooperation with law enforcement authorities |
| Art. 6 Trafficking Protocol | Assistance to and protection of victims of trafficking in persons |
| Art. 7 Trafficking Protocol | Status of victims of trafficking in persons in receiving States |
| Art. 8 Trafficking Protocol | Repatriation of victims of trafficking in persons |

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13 Art. 7 is also included in criminalization and law enforcement cluster.
14 Art. 8 is also included in criminalization and law enforcement cluster.
15 Art. 10 is also included under criminalization and law enforcement cluster.
Art. 16 Smuggling Protocol Protection and assistance measures
Art. 18 Smuggling Protocol\textsuperscript{16} Return of smuggled migrants

\textbf{Cooperation cluster}

Art. 20 Convention Special investigative techniques
Art. 22 Convention Establishment of criminal record
Art 26 (1), (2), (3) and (5) Convention Measures to enhance cooperation with law enforcement authorities
Art. 28 (1) Convention Collection, exchange and analysis of information on the nature of organized crime
Art. 7 Smuggling Protocol Cooperation
Art. 10 Smuggling\textsuperscript{17} Protocol Information
Art. 17 Smuggling Protocol Agreements and arrangements
Art. 12 Firearms Protocol Information
Art. 13 Firearms Protocol Cooperation

\textsuperscript{16} Art. 18 is also included under international cooperation cluster.
\textsuperscript{17} Art. 10 (1) is also included under international cooperation cluster.