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**Intergovernmental expert group
established in accordance with
Conference resolution 9/1**

Vienna, 13–15 July 2020

Item 2 of the provisional agenda*

**Finalization and harmonization of the
self-assessment questionnaires for the review of
the implementation of the United Nations
Convention against Transnational Organized
Crime and the Protocols thereto**

**Draft harmonized self-assessment questionnaire for the
United Nations Convention against Transnational
Organized Crime**

General guidance for replying to the questionnaire

- States will be reviewed on the basis of the information that they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents or brief descriptions of them that are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- 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 called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes” and, where appropriate, under any other questions.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other

* CTOC/COP/WG.10/2020/1.



review mechanisms should be appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations that are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

- The provisions of the Organized Crime Convention and the Protocols thereto contain various degrees of requirements. In accordance with the procedures and rules, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall progressively address all articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and when reviewing them in the following phases of the country review.
- Article 1, paragraph 2, of each of the Protocols states that the provisions of the Convention shall apply mutatis mutandis to the Protocols unless otherwise provided therein. Paragraph 19 of the procedures and rules for the functioning of the Mechanism states that provisions of the Convention that apply to the Protocols, mutatis mutandis, will be reviewed under the Convention only. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. National experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For example, in answering the questions on the scope of application of article 10 on the liability of legal persons, national experts should take into account the applicability of article 10 to the offences covered by the three Protocols and answer accordingly.
- [In the questionnaire, some questions are introduced by the words “States are invited”. In such cases, national experts may provide information on a voluntary basis.] [National experts are invited to use their best judgment and discretion when answering those questions.]

One delegation expressed the need to further distinguish in their formulation questions covering non-mandatory provisions from questions that are beyond the scope of application of the instruments.

One delegation expressed the opinion that there was no need to reopen this issue.

I. United Nations Convention against Transnational Organized Crime

Cluster I: criminalization and jurisdiction (arts. 2, 5, 6, 8, 9, 10, 15 and 23 of the Convention)

Article 2. Use of terms

1. ¹ Does your country's legal framework include the definitions set forth in article 2?

Yes Yes, in part No

(a) Please explain.

2. Does your country's legal framework permit it to implement the Convention without adopting the specific definitions set forth in article 2?

Yes Yes, in part No

(a) Please explain.

Article 5. Criminalization of participation in an organized criminal group

3. Is participation in an organized criminal group criminalized under your country's legal framework, in accordance with article 5?

Yes No

(a) If the answer to question 3 is "Yes", does participation in an organized criminal group consist of [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 (art. 5, para. 1 (a) (i))]?

Yes Yes, in part No

(i) If the answer to question 3 (a) is "Yes", does the criminal offence as provided in your domestic law require an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, para. 1 (a) (i))?

Yes Yes, in part No

(b) If the answer to question 3 is "Yes", does participation in an organized criminal group consist of 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, or 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, para. 1 (a) (ii))?

Yes Yes, in part No

¹ The draft self-assessment questionnaires for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto organised by cluster (CTOC/COP/WG.10/2020/2, CTOC/COP/WG.10/2020/3, CTOC/COP/WG.10/2020/4, CTOC/COP/WG.10/2020/5) have a consistent consecutive numbering. The numbering of this draft self-assessment questionnaire and the others which are organised per instrument (CTOC/COP/WG.10/CRP.2, CTOC/COP/WG.10/CRP.3, CTOC/COP/WG.10/CRP.4, CTOC/COP/WG.10/CRP.5) corresponds to the numbering per cluster and thus is not consecutive.

(c) [If the answer to question 3 is “Yes”, is your country’s national legal framework on participation in an organized criminal group also applicable to any of the offences established in accordance with the Convention and the Protocols to which your State is a party (art. 5, para. 1 (a), in conjunction with art. 2, para. (a))?]

(d) [If the answer to question 3 (a) is “Yes”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence. (Pending drafting by interested States of appropriate language under general guidance.)]

(e) If the answer to question 3 (a) is “Yes in part” or “No”, please specify how participation in a criminal group is treated under your country’s framework.

4. If your domestic law requires an act in furtherance of the agreement, has your country so informed the Secretary-General of the United Nations, as required under article 5, paragraph 3?

Yes No

5. Does your country’s legal framework 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

(a) Please explain, if needed.

Article 6. Criminalization of the laundering of proceeds of crime

6. Is the laundering of proceeds of crime criminalized under your country’s legal framework, in accordance with article 6, paragraph 1 (a), of the Convention (art. 6, paras. 1 (a) (i)–(ii))?

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 country’s legal framework.

7. Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime criminalized under your country’s legal framework (art. 6, para. 1 (b) (i))?

Yes Yes, in part No

(a) Please explain briefly.

8. 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 country’s legal framework (art. 6, para. 1 (b) (ii))?

Yes Yes, in part No

(a) Please explain briefly.

9. If the answer to question 6, 7 or 8 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 law to the offence of money-laundering (art. 6, paras. 2 (a) and (b))?

Yes No

(a) If the answer is “No”, 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 law to the offence of money-laundering (art. 6, para. 2 (b)).

10. Please provide information on the scope of predicate offences set out in your domestic law, including any list of specific predicate offences that may be set out by your domestic law; indicate, for example, the relevant acts and article numbers (art. 6, para. 2 (b)).

11. Does your country’s legal framework include predicate offences committed outside your country’s jurisdiction (art. 6, para. 2 (c))?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, please describe the circumstances under which a predicate offence committed in a foreign jurisdiction may be recognized pursuant to your domestic law.

12. Has your country furnished copies of its laws that give effect to article 6 and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations (art. 6, para. 2 (d))?

(a) If yes, please provide a link.

(b) If not, please provide this information.

Article 8. Criminalization of corruption

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the United Nations Convention against Corruption.

13. Is the conduct described in article 8, paragraph 1 (a), criminalized in your country’s legal framework?

Yes Yes, in part No

(a) Please explain briefly.

14. Is the conduct described in article 8, paragraph 1 (b), criminalized in your country’s legal framework?

Yes Yes, in part No

(a) Please explain briefly.

15. Is the form of corruption described in article 8, paragraph 1, involving a foreign public official or international civil servant criminalized in your country's legal framework (art. 8, para. 2)?

Yes Yes, in part No

(a) If appropriate, please explain briefly.

16. Is any other form of corruption established as a criminal offence in your country's legal framework (art. 8, para. 2)?

Yes Yes, in part No

(a) If appropriate, please explain briefly.

17. Is participation as an accomplice in offences established in accordance with article 8 criminalized under your country's legal framework (art. 8, para. 3)?

Yes No

Article 9. Measures against corruption

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the Convention against Corruption.

18. Has your country adopted measures to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

Yes No

(a) If the answer is "Yes", please specify the measures implemented to promote integrity and to prevent, detect and punish the corruption of public officials.

19. Has your country taken measures 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

(a) 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.

Article 10. Liability of legal persons

20. Is the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences covered by the Convention and the Protocols to which your State is a party established under your country's legal framework (art. 10)?

Yes Yes, in part No

(a) If the answer is “Yes, in part” or “No”, please explain.

21. If the answer is “Yes”, is this liability:

(a) Criminal?

Yes No

(b) Civil?

Yes No

(c) Administrative?

Yes No

22. What kind of sanctions are provided for in your country’s legal framework to implement article 10, paragraph 4, bearing in mind article 11, paragraph 6, of the Convention?

Article 15. Jurisdiction

23. Are there any circumstances under which your country does not have jurisdiction over offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party committed in its territory (art. 15, para. 1 (a))?

Yes No

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

24. Does your country have jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party 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

(a) 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 and the Protocols to which it is a party, in accordance with article 15, paragraph 1 (b).

25. Does your country’s legal framework allow for the following extraterritorial jurisdictional bases:

(a) Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party 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 established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party 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, para. 2 (c) (i))?

Yes No

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

Yes No

[Questions related to extradition have been moved to cluster IV.]

Article 23. Criminalization of obstruction of justice

26. Is obstruction of justice in relation to offences covered by the Convention and the Protocols to which your country is a party criminalized under your country's legal framework, in accordance with article 23 of the Convention?

Yes Yes, in part No

(a) Please explain briefly.

Criminalization: cases and judgments

27. [If possible, provide examples, relevant cases or judgments of successful implementation and enforcement for each of the criminal offences reviewed above. (To be addressed by member States under general guidance.)]

Difficulties encountered

28. Has your country encountered any difficulties or challenges in implementing the Convention?

Yes No

(a) If the answer is "Yes", please specify:

- 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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Need for technical assistance

29. Does your country require technical assistance to overcome difficulties in implementing the Convention?

Yes No

30. If the answer is “Yes”, please specify the type of technical assistance needed.

31. 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 or regulations
- Model agreements
- Standard operating procedures
- Development of strategies, policies or action plans
- Dissemination of good practices or 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 awareness-raising
- Technological assistance
- Establishment or development of information technology infrastructure, such as databases or communication tools
- Measures to enhance regional cooperation
- Measures to enhance international cooperation
- Other assistance (please specify)

32. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

Cluster II: prevention, technical assistance, protection measures and other measures (arts. 24, 25, 29, 30 and 31 of the Convention)

Article 24. Protection of witnesses

1. Does your country take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention and the Protocols to which it is a party (art. 24, para. 1)?

Yes No

2. If the answer to question 1 is “Yes”, do such measures, without prejudice to the rights of the defendant, include the following?

(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

(b) The provision of domestic evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as through the use of communications technology (art. 24, para. 2 (b))

Yes No

(c) Other measures, please specify.

3. If the answer to question 1 is “Yes”, do such measures extend protection, as appropriate, to relatives of witnesses and other persons close to them?

Yes No

(a) If the answer is “Yes”, please explain.

4. Has your country entered into agreements or arrangements with other States for the relocation of witnesses and/or victims insofar as they are witnesses and, as appropriate, for their relatives and other persons close to them in order to ensure their physical protection from potential retaliation or intimidation (art. 24, para. 3)?

Yes No

Article 25. Assistance to and protection of victims

5. Has your country taken appropriate measures within its means to provide assistance and protection to victims of offences covered by the Convention and the Protocols to which it is a party, in particular in cases of threat of retaliation or intimidation (art. 25, para. 1)?

Yes No

(a) If the answer is “Yes”, please specify.

6. Has your country established appropriate procedures to provide access to compensation and restitution for victims of offences covered by the Convention and the Protocols to which it is a party (art. 25, para. 2)?

Yes No

(a) If the answer is “Yes”, please specify.

7. Does your country enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders involved in organized criminal activities in a manner not prejudicial to the rights of the defence (art. 25, para. 3)?

Yes No

(a) Please explain as appropriate.

Article 29. Training and technical assistance

8. Has your country initiated, developed or 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 and the Protocols to which it is a party (art. 29, para. 1)?

Yes No

(a) If the answer is “Yes”, please provide examples.

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

(i) Secondment and exchange 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 the 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

9. 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)?

Yes No

(a) If the answer is “Yes”, please provide examples.

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

Yes No

(a) If the answer is “Yes”, please provide examples and describe best practices and/or challenges with regard to the promotion of training.

(b) If the answer is “Yes”, please provide examples and describe best practices and/or challenges with regard to technical assistance.

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

(i) Language training

Yes No

(ii) Secondments and exchange among personnel in central authorities or agencies with relevant responsibilities

Yes No

11. 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

(a) If the answer is “Yes”, please provide examples.

Article 30. Other measures: implementation of the Convention through economic development and technical assistance

12. Has your country cooperated with developing countries with a view to developing the capacity of the latter to prevent and combat transnational organized crime (art. 30, para. 2 (a))?

Yes No Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

13. Has your country provided financial or material assistance to support the efforts of developing countries to fight transnational organized crime effectively and help them to implement the Convention successfully (art. 30, para. 2 (b))?

Yes No Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

14. 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 assist them in meeting their needs for implementation of the Convention (art. 30, para. 2 (c))?

Yes No Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

15. 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

(a) [Please provide details (previously four boxes, one per cluster)]

Article 31. Prevention

16. 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)?

Yes No

(a) If the answer is “Yes”, please provide some examples.

17. In accordance with the fundamental principles of its domestic law, has your country adopted measures to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime (art. 31, para. 2), including any of the following?

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

Yes No

(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

(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

(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 and the Protocols to which your country is a party from acting as directors of legal persons incorporated within the jurisdiction of your country

Yes No

(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

(d) If the answer to any of the questions 17 (a)–(c) is “Yes”, States parties are invited to share their experiences, on a voluntary basis.

18. Does your country promote the reintegration into society of persons convicted of offences covered by the Convention and the Protocols to which it is a party (art. 31, para. 3)?

Yes No

(a) If the answer is “Yes”, please specify the manner in which your country promotes the reintegration into society of persons convicted of offences covered by the Convention and the Protocols to which it is a party.

19. Has your country taken 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

(a) If the answer is “Yes”, please provide examples.

20. Has your country 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

(a) If the answer is “Yes”, please provide examples.

21. Has your country informed the Secretary-General of the United Nations of the name and address of the authority or authorities that could assist other State parties in developing measures to prevent transnational organized crime (art. 31, para. 6)?

Yes No

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

22. Has your country been involved in collaboration frameworks, projects and/or measures 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)?

Yes No

(a) If the answer is “Yes”, please provide examples of collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations.

Difficulties encountered

23. Has your country encountered any difficulties or challenges in implementing the Convention?

Yes No

(a) If the answer is “yes”, please specify:

- 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)

Need for technical assistance

24. Does your country require technical assistance to overcome difficulties in implementing the Convention?

Yes No

25. If the answer is “Yes”, please specify the type of technical assistance needed.

26. 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 or regulations
- Model agreements
- Standard operating procedures
- Development of strategies, policies or action plans
- Dissemination of good practices or 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 awareness-raising
- Technological assistance

- Establishment or development of information technology infrastructure, such as databases or communication tools
- Measures to enhance regional cooperation
- Measures to enhance international cooperation
- Other assistance (please specify)

27. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

Cluster III: law enforcement and the judicial system (arts. 7, 11, 19, 20, 22, 26, 27 and 28 of the Convention)

Article 7. Measures to combat money-laundering

28. Has your country instituted a domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to detect and deter all forms of money-laundering (art. 7, para. 1 (a))?

Yes No

(a) If the answer is “Yes”, please identify the legal nature of the institutions to which such a regime is applicable.

(b) If the answer to question 1 is “Yes”, does your country’s regime require:

(i) Customer identification?

Yes No

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

(ii) Record-keeping?

Yes No

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

(iii) Reporting suspicious transactions?

Yes No

– If the answer is “Yes”, please provide examples on, inter alia, the criteria used for identifying suspicious transactions or the sanctions imposed for non-compliance with reporting requirements.

(iv) Bearing in mind article 7, States are invited to provide, on a strictly voluntary basis, additional information relating to deterrents to and the detection of money-laundering, such as customer verification, including by providing assessments and other relevant evaluations or links thereto.

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

Yes No

(a) If the answer is yes, please describe the channels used for such exchange of information.

(b) 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

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

30. 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

(a) 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.

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

Yes No

(a) If the answer is “Yes”, please provide some examples.

Article 11. Prosecution, adjudication and sanctions

32. Does your country make the commission of offences covered by the Convention and the Protocols to which it is a party liable to sanctions that take into account the gravity of those offences (art. 11, para. 1)? [One delegation mentioned that this could create a duplication with the questions on sanctions in cluster I.]

Yes No

33. 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)?

Yes No

34. Has your country established, where appropriate, a long statute of limitations period in which to commence proceedings for any offence covered by the Convention and the Protocols to which it is a party and a longer period where the alleged offender has evaded the administration of justice (art. 11, para. 5)?

Yes Yes, in part No

(a) Please explain briefly, including, where appropriate, the length of the statute of limitations period.

Article 19. Joint investigations

35. Has your country or competent authorities entered into any bilateral or multilateral agreement or arrangement whereby, in relation to matters concerning the offences covered by the Convention and the Protocol to which it is a party 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 (art. 19)?

Yes No

36. In the absence of any agreement or arrangement of the sort referred to in question 8, does your country permit joint investigations to be undertaken by agreement on a case-by-case basis (art. 19)?

Yes No

37. States are invited to share examples of their positive experiences, good practices and/or challenges in applying the Convention regarding bilateral or multilateral agreements or arrangements for the establishment of joint investigative bodies.

Article 20. Special investigative techniques

38. Does your country's legal framework allow for the use of special investigative techniques for the purpose of effectively combating organized crime and investigating the offences covered by the Convention and the Protocols to which your State is a party (art. 20, para. 1)?

Yes No

39. If your answer to question 11 is "Yes", does your country take measures to allow the use of special investigative techniques, such as:

(a) Controlled delivery?

Yes No

(b) Electronic or other forms of surveillance?

Yes No

(c) Undercover operations?

Yes No

(d) Other techniques?

Yes No

(i) Please explain.

40. If the answer to question 12 (b) is “Yes”, please provide, if possible, information on electronic surveillance in your country, in particular as it relates to the sharing of information or evidence obtained with foreign law enforcement and judicial authorities.

41. States are invited to provide, on a voluntary basis, any available information on the conditions prescribed by its domestic law applicable to the aforementioned special investigative techniques (art. 20, para. 1).

42. States are invited to provide, where appropriate, information concerning whether they have concluded any bilateral or acceded to any multilateral agreement or arrangement for using special investigative techniques in the context of international cooperation to combat transnational organized crime (art. 20, para. 2)?

43. States are invited to share information about whether, in accordance with their domestic legal framework and in the absence of any agreement or arrangement of the sort referred to in question 15, they permit the use of special investigative techniques at the international level on a case-by-case basis (art. 20, para. 3).

Article 22. Establishment of criminal record

44. [If your country has 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 and the Protocols to which it is a party, it is invited to provide information on such legislation or other measures (art. 22).]

Article 26. Measures to enhance cooperation with law enforcement authorities

45. 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

(a) If the answer is “Yes”, does your domestic law 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 and the Protocols to which your country is a party (art. 26, para. 2)?

Yes No

(b) If the answer is “Yes”, does your domestic law 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 and the Protocols to which your country is a party (art. 26, para. 3)?

Yes No

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 authorities of either contracting party (art. 26, para. 5)?

Yes No

(a) States parties are invited to provide information.

Article 27. Law enforcement cooperation

47. Consistent with domestic legal and administrative systems, have the competent authorities of your country established or enhanced, where necessary, 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 and the Protocols to which your country is a party, including, where appropriate, links with other criminal activities (art. 27, para. 1 (a))?

Yes No

48. Consistent with domestic legal and administrative systems, 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 and the Protocols to which it is a party (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

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

Yes No

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

Yes No

49. 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

50. Has your country adopted any measures to facilitate effective coordination with competent authorities, agencies and services of other States parties and promote the exchange of personnel or the posting of liaison officers (art. 27, para. 1 (d))?

Yes No

51. 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

52. 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 and the Protocols to which it is a party (art. 27, para. 1 (f))?

Yes No

53. Has your country entered into any bilateral or multilateral agreement or arrangement on direct cooperation between law enforcement agencies to give effect to the Convention and the Protocols to which it is a party (art. 27, para. 2)?

Yes No

(a) If the answer is “Yes”, States are invited to share examples of their positive experiences, good practices and/or challenges in applying the Convention regarding bilateral or multilateral agreements or arrangements on direct cooperation between law enforcement agencies.

Article 28. Collection, exchange and analysis of information on the nature of organized crime

54. Has your country established a practice of analysing, in consultation with the scientific and academic communities, 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

(a) If the answer is “Yes”, please provide examples of such practice, as related to the offences covered by the Convention and the Protocols of which your State is a party.

55. Has your country developed and shared analytical expertise 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)?

Yes No

(a) If the answer is “Yes”, please provide examples of the sharing of expertise that has been developed by your country and shared by it with other States parties and through international and regional organization.

56. 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)?

Yes No

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

Difficulties encountered

57. Has your country encountered any difficulties or challenges in implementing the Convention?

Yes No

- (a) If the answer is “yes”, please specify:
- 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)

Need for technical assistance

58. Does your country require technical assistance to overcome difficulties in implementing the Convention?

Yes No

59. If the answer is “Yes”, please specify the type of technical assistance needed.

60. 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 or regulations
- Model agreements
- Standard operating procedures
- Development of strategies, policies or action plans
- Dissemination of good practices or 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 awareness-raising
- Technological assistance
- Establishment or development of information technology infrastructure, such as databases or communication tools
- Measures to enhance regional cooperation
- Measures to enhance international cooperation

Other assistance (please specify)

61. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 12, 13, 14, 16, 17, 18 and 21 of the Convention)

Article 12. Confiscation and seizure

62. Does your country's legal framework enable the confiscation of:

(a) Proceeds of crime (as defined in art. 2 (e))² derived from offences covered by the Convention and the Protocols to which your State is a party or property the value of which corresponds to that of such proceeds (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 and the Protocols to which your State is a party (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

(i) Please explain.

(e) Income or other benefits derived from items described under questions 1 (a), (c) and (d) (art. 12, para. 5)?

Yes No

(i) Please explain.

63. States are invited to provide information on the pertinent legislative framework and on the required standard of proof.

² "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence.

64. States are invited to provide, on a voluntary basis, information regarding whether their domestic legal framework allows for non-conviction-based asset confiscation.

65. Does your country's legal framework enable the identification, tracing, freezing or seizure of items described [above] [in article 12, paragraph 1,] for the purpose of eventual confiscation (art. 12, para. 2)?

Yes No

(a) If the answer is "Yes", please explain briefly, if needed.

(b) [States are invited to specify whether their legal framework enables the identification, tracing, freezing or seizure of items mentioned in question 1 and items other than those described in article 12, paragraph 1.]

66. Does your country's legal framework empower courts or other competent authorities to order that bank, financial or commercial records be made available or be seized for (art. 12, para. 6):

(a) Investigation or prosecution of offences committed in your country covered by the Convention and the Protocols to which your State is a party?

Yes No

(b) Securing confiscation in your country?

Yes No

(c) Responding to a request for confiscation by another State party in relation to an offence covered by the Convention and the Protocols to which your State is a party?

Yes No

(d) If the answer to questions 5 (a), (b) or (c) is "Yes", please specify the manner in which your country's legal framework empowers courts or other competent authorities.

67. Does your country's legal framework allow for bank secrecy to be used as grounds to decline to act under the provisions of article 12, paragraph 6?

Yes No

68. If it is consistent with the principles of your domestic law and with the nature of the judicial and other proceedings, does your country's legal framework 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

(a) If the answer is "yes", please provide information on the conditions under which your domestic legal framework permits shifting the burden of proof to the defendant.

69. States are invited to share, on a voluntary basis, examples of their experiences and challenges in promoting cooperation to prevent and combat transnational organized crime more effectively, with particular regard to:

(a) The possibility to confiscate companies and corporate assets where proceeds of crime are intermingled with property acquired from legitimate sources

(b) The possibility to confiscate legal rights and interests of an enforceable nature

(c) The use of non-conviction-based confiscation and the related international judicial and legal cooperation

(d) The identification and tracing of property and the management of seized property carried out, including by specialized agencies

(e) Cooperation with regional prosecution bodies

Article 13. International cooperation for purposes of confiscation

9. Does your country's legal framework permit the confiscation of the proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, at the request of another State party (art. 13)?

Yes Yes, in part No

(a) If the answer is "Yes" or "Yes, in part":

(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 execution (art. 13, para. 1 (b))?

Yes No

(b) If the answer to question 9 is "Yes, in part", please specify any challenges encountered in confiscating the proceeds of crime at the request of another State party.

10. Does your country's legal framework enable the competent authorities to identify, trace, freeze and seize the proceeds of crime for the purpose of eventual confiscation at the request of another State party (art. 12, para. 2)?

Yes Yes, in part No

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

11. Does your country's legal framework permit the confiscation of proceeds of crime that have been transformed or converted into other property (art. 12, para. 3) or intermingled with property acquired from legitimate sources (art. 12, para. 4), at the request of another State party?

Yes Yes, in part No

12. If any legal grounds for refusal specific to a request for cooperation for the purposes of confiscation are provided for in your country's legal framework, please explain what those grounds are (art. 13, paras. 3 and 7, and art. 18, para. 21).³

13. What information does your country's legal framework require for inclusion in a request for cooperation for the purposes of confiscation other than those enumerated in article 13, paragraph 3, and article 18, paragraph 15 (art. 13, para. 3)?⁴

14. States are invited to provide, on a voluntary basis, information regarding whether their domestic legal framework allows for non-conviction-based asset forfeiture at the request of another State party.

Article 14. Disposal of confiscated proceeds of crime or property

15. Does your country's legal framework 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 return such proceeds of crime or property to their legitimate owners (art. 14, para. 2)?

Yes Yes, in part No

(a) If the answer is "Yes, in part", please explain the manner in which your domestic law permits the return of such confiscated proceeds of crime or property for the purposes stated above.

16. Has your country concluded agreements or arrangements with other States parties on contributing the value of confiscated proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of the Convention and to intergovernmental bodies specializing in the fight against organized crime (art. 14, para. 3 (a))?

Yes No

17. Has your country concluded agreements or arrangements with other States parties, on a regular or case-by-case basis, on sharing of proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof (art. 14, para. 3 (b))?

Yes No

³ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

⁴ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

(a) States parties are invited to share examples of their positive experiences or good practices in applying the Convention regarding bilateral or multilateral agreements or arrangements on the disposal or sharing of confiscated assets.

Article 16. Extradition

18. In your country, is extradition granted:

(a) By statute?

Yes No

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

Yes No

(c) By virtue of reciprocity or comity?

Yes No

(d) If your answer to question 18 (b) is “Yes”, does your country use the Convention as a legal basis for cooperation on extradition with other States parties to the Convention (art. 16, para. 4)?

Yes Yes, under conditions No Not applicable

(e) Please explain.

(f) Have you communicated this information to the Secretary-General of the United Nations (art. 16, para. 5 (a))?

Yes No

(g) If your answer to question 18 (a), (b) or (c) is “No”, has your country, in appropriate cases, sought to conclude treaties on extradition (art. 16, para. 5 (b))?

Yes No

19. Have the offences set out in article 16, paragraph 1, of the Convention and offences established in accordance with the Protocols to the Convention to which your country is a party in practice been deemed by your country to be extraditable offences in the bilateral or multilateral extradition treaties that it has concluded (art. 16, para. 3)?

Yes Yes, in part No

(a) Please explain briefly.

20. If your country does not make extradition conditional on the existence of a treaty, does it recognize the offences set out in article 16, paragraph 1, of the Convention and offences established in accordance with the Protocols to the Convention to which it is a party as extraditable offences (art. 16, para. 6)?

Yes Yes, in part No Not applicable

(a) Please explain briefly.

21. What are the conditions provided for in your domestic law for granting extradition, including the minimum penalty requirement (as the threshold to identify extraditable offences) (art. 16, para. 7)?

(a) Please explain briefly.

22. What are the grounds provided for in your domestic law upon which your country may refuse extradition (art. 16, para. 7)?

(a) Please explain briefly.

23. Is the dual criminality requirement established under your domestic legal framework for granting an extradition request (art. 16, para. 1)?

Yes Yes, in part No

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

24. Does your country’s legal framework provide for simplified evidentiary requirements (in relation to any offence covered by the Convention, and the Protocols to which your State is a party, to which article 16 applies) (art. 16, para. 8)?

(a) Please explain.

25. Does your country’s legal framework provide for expedited extradition procedures (in relation to any offence covered by the Convention, and the Protocols to which your State is a party, to which article 16 applies) (art. 16, para. 8)?

Yes No

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

26. 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

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

27. [If your country does not extradite an alleged offender on the sole ground that the offender is its national, does your country’s legal framework establish jurisdiction over offences covered by the Convention and the Protocols to which it is a party when those offences are committed by its nationals (art. 15, para. 3, and art. 16, para. 10)? (moved from cluster I)]

Yes Yes, in part No

28. [If an alleged offender is present in your country's territory and your country does not extradite him or her, does your country's legal framework establish jurisdiction over offences covered by the Convention and the Protocols to which it is a party in the circumstances described in article 15, paragraphs 1 and 2, when those offences are committed by that person (art. 15, para. 4)? (moved from cluster I)]

Yes Yes, in part No

29. Does your country's legal framework provide for conditional extradition or surrender, in accordance with article 16, paragraph 11, of the Convention?

Yes No

30. If your country does not extradite a person because he or she is its national, does your legal framework permit, upon application of the requesting State, 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

(a) If the answer is "Yes" or "Yes, in part", please explain in which circumstances your country could consider enforcing such sentence.

31. Before refusing extradition, does your country consult, where appropriate, with the requesting State to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation (art. 16, para. 16)?

Yes No

32. States are invited to share their experiences and challenges in using the Convention with other State parties regarding extraditions matters.

Article 17. Transfer of sentenced persons

33. Has your country concluded any bilateral or multilateral agreements or arrangements on the transfer of sentenced persons for offences covered by the Convention and the Protocols to which it is a party (art. 17)?

Yes No

(a) If the answer is "Yes", please provide an example of such agreements or arrangements.⁵

(b) States are invited to share examples of their positive experiences or good practices in applying the Convention regarding bilateral or multilateral agreements or arrangements on the transfer of sentenced persons.

Article 18. Mutual legal assistance

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

(a) By statute?

Yes No

⁵ States are invited to upload relevant agreements or arrangements to SHERLOC.

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

Yes No

(c) By virtue of reciprocity or comity?

Yes No

35. Does your country 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 with which it does not have another mutual legal assistance treaty in force (art. 18, para. 7)?

Yes Yes, in part No

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

36. Has your country designated a central authority pursuant to article 18, paragraph 13 (art. 18, para. 13)?

Yes No

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

37. Does your country afford mutual legal assistance with respect to investigations, prosecutions and judicial proceedings in relation to offences covered under the Convention and the Protocols to which it is a party for which a legal person may be held liable (art. 18, para. 2)?

Yes No

38. Which of the following types of mutual legal assistance does your country provide (art. 18, para. 3)?

(a) Taking evidence or statements from persons

Yes No

(b) Effecting service of judicial documents

Yes No

(c) Executing searches and seizures, and freezing

Yes No

(d) Examining objects and sites

Yes No

(e) Providing information, evidentiary items and expert evaluations

Yes No

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

Yes No

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

Yes No

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

Yes No

(i) Any other type of assistance that is not contrary to your domestic law

Yes No

(j) Please specify.

(k) States are invited to share examples of their positive experiences or good practices in applying the Convention regarding any other type of assistance provided under article 18, paragraph 3 (i).

39. Does your country permit conducting a hearing by videoconference at the request of another State party 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 Yes, in part No

(a) If your answer is “Yes, in part”, please explain.

40. Does your country decline to render mutual legal assistance on the ground of absence of dual criminality (art. 18, para. 9)?

Yes Yes, in part No

(a) If the answer is “Yes, in part”, States are invited to specify.

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

Yes No

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

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

Yes Yes, in part No

43. Does your country’s legal framework provide for additional grounds to the ones contained in article 18, paragraphs 21 (a) to (d)?

Yes No

(a) If “Yes”, please explain briefly.

(b) States are invited to share examples of their positive experiences or good practices in applying the Convention on how the provision of mutual legal assistance can be subject to the dual criminality requirement, especially in relation to mutual legal assistance involving coercive and non-coercive measures.

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

Yes Yes, in part No

(a) 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.

45. Are the requirements of your country’s legal framework for a request for mutual legal assistance consistent with the requirements of article 18, paragraph 15?

Yes No

(a) If your country has additional requirements, please briefly explain.

46. Has your country requested or received a request for additional information when it appeared necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution (art. 18, para. 16)?

Yes No

(a) If yes, States are invited to explain briefly.

47. Does your country respond to reasonable requests by the requesting State party on progress of its handling of the request, in accordance with article 18, paragraph 24?

Yes Yes, in part No

(a) Please explain.

48. Is your country generally able to execute a request, in accordance with the procedures specified in such a request (art. 18, para. 17)?

Yes No

(a) Please explain.

Article 21. Transfer of criminal proceedings

49. Is your country able to receive or transfer criminal proceedings for the prosecution of offences covered by the Convention and the Protocols to which it is a party (art. 21)?

Yes No

(a) States with experience in transferring criminal proceedings are encouraged to describe their experience and/or give an example of best practices.

Difficulties encountered

50. Has your country encountered any difficulties or challenges in implementing the Convention?

Yes No

(a) If the answer is “Yes”, please specify:

- 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)

Need for technical assistance

51. Does your country require technical assistance to overcome difficulties in implementing the Convention?

Yes No

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

52. 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 or regulations
- Model agreements
- Standard operating procedures
- Development of strategies, policies or action plans
- Dissemination of good practices or 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 awareness-raising
- Technological assistance

- Establishment or development of information technology infrastructure, such as databases or communication tools
- Measures to enhance regional cooperation
- Measures to enhance international cooperation
- Other assistance (please specify)

53. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.
