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**Executive summary**

**Note by the Secretariat**

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## II. Executive summary

### Niue

#### 1. Introduction: overview of the legal and institutional framework of Niue in the context of implementation of the United Nations Convention against Corruption

Niue acceded to the Convention on 3 October 2017. The Convention entered into force for Niue on 2 November 2017.

Niue is a self-governing State in free association with New Zealand. The Niue Constitution states that New Zealand has a continuing responsibility to support Niue on external affairs and defence. These responsibilities confer no rights to New Zealand and can only be acted on at the request of and on behalf of Niue.

Section 4 of the Interpretation Act 2004 sets out the hierarchy of laws in order of priority as follows: (a) the Constitution, (b) Acts of the Assembly, (c) Regulations, (d) Niuean custom, and (e) the common law of Niue.

The implementing legislation includes: the Constitution, Financial Transactions Reporting Act (FTRA), Niue Act, Penal Manual, Proceeds of Crime Act (POCA), Public Service Regulations, Extradition Act and Mutual Assistance in Criminal Matters Act (MACMA).

The institutions most relevant to the fight against corruption include: Crown Law Office, Police, Financial Intelligence Unit (FIU), Public Service Commission (Commission), and Customs Service.

#### 2. Chapter III: criminalization and law enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Active and passive bribery of public officials is criminalized in sections 180A to 180F of the Niue Act. These sections cover judicial officers, ministers, members of the executive authority, members of the Assembly, law enforcement officers and other officials, but not all categories of public officials under article 2 of the Convention. Direct and indirect bribery is covered through the definition of “bribe”.

Promises of bribery are not covered and the Niue Act does not define the required mental element (“corruptly”). Furthermore, the consent of the Minister of Justice is required for prosecutions of corruption offences defined in sections 180A, 180B, 180E, 180F and 180G of the Niue Act (section 180H).

Niue does not criminalize bribery of foreign public officials and officials of public international organizations.

Trading in influence is not criminalized.

Bribery in the private sector is not criminalized.

###### *Money-laundering, concealment (arts. 23 and 24)*

Money-laundering is criminalized (section 64, POCA). Section 64(3) defines money-laundering as engaging in a transaction that involves proceeds of crime. However, there is no interpretation of the terms “engage” or “transaction”, and POCA does not explicitly refer to the purpose of “concealing or disguising the illicit origin of the property”. POCA criminalizes concealing, receiving, possessing, disposing of, or bringing into Niue any proceeds of crime (section 64(3)(b)). The “disguise” of property (as outlined in article 23(1)(a) of the Convention) is not specifically referred to. POCA does not clearly cover “acquisition” or “use” of criminal proceeds.

Although the Niue Act covers certain ancillary offences such as conspiracy (section 228) and incitement (section 232), these have not in practice been applied to offences under POCA.

POCA extends the scope of predicate offences to all serious offences, punishable by imprisonment for a maximum term not less than 12 months (section 4), which includes corruption and bribery. However, Niue has not criminalized all offences under the Convention, which limits the scope of the money-laundering offence. Predicate offences committed extraterritorially are covered, and POCA does not require dual criminality.

POCA does not criminalize self-laundering.

Concealment is criminalized in section 65 of POCA. It is a defence if the person had no reasonable grounds for suspecting that the property was derived or realized from an unlawful activity.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

The definition of “theft” under the Niue Act (section 188) includes “misappropriating or disposing of, or dealing in any other manner with” certain property. However, theft is limited to movable things that are the property of any person (section 188(2)), and does not cover all of the requirements of article 17 of the Convention. On the other hand, third-party benefits are adequately covered (section 191).

Embezzlement in the private sector, abuse of functions by a public official and illicit enrichment are not criminalized.

*Obstruction of justice (art. 25)*

Niue has not criminalized the bribery of witnesses. Sections 101 and 158 of the Niue Act provide for obstruction of the judicial process and potentially cover the use of physical force, threats or intimidation to induce false testimony or to interfere in the giving of testimony or the production of evidence.

However, section 158 is limited to obstruction of constables and section 101(c) is limited to obstruction of constables or court officers in specific duties.

*Liability of legal persons (art. 26)*

Niue is able to prosecute legal persons in the same manner as natural persons, owing to the broad definition of “person” (section 5, Interpretation Act). However, it is not clear whether the liability of a legal person precludes the criminal liability of a natural person.

Section 240 of the Niue Act allows the court, at its discretion, to impose a fine instead of imprisonment. Criteria for the exercise of this discretion are not specified. It is unclear how penalties for legal persons are calculated in corruption cases. Officials expressed a need to develop sentencing guidelines.

*Participation and attempt (art. 27)*

The Niue Act covers ancillary offences, such as conspiracy (section 228), incitement (section 232), aiding and abetting (section 233), counselling and procuring (section 235). The Niue Act also criminalizes attempt (section 229) but does not cover the preparation of an offence.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

As noted under article 26 of the Convention, section 240 of the Niue Act allows for the discretionary imposition of fines instead of imprisonment. Officials expressed a need to develop sentencing guidelines.

No absolute immunity from criminal prosecution is granted to any public officials. Section 286 of the Niue Act allows the Governor-General (or Cabinet, in certain cases) to pardon an offender or remit any portion of a sentence of imprisonment passed upon an offender, and to pardon any offender who has given evidence which leads to the conviction of an accomplice.

The police prosecute all types of offences in practice, except for tax and human resource matters. Niue's Prosecution Guidelines set forth guidelines for prosecution decisions, but there is no law or regulation on the matter.

Section 282 of the Niue Act establishes procedures on bail and bond.

The Parole Board, together with parole officers, administers the parole system (section 286A, Niue Act). The eligibility for parole takes into account the gravity of offences (section 33, Penal Manual).

The Public Service Commission may dismiss public officials convicted of criminal offences, assign them to other duties, reduce their salary, reprimand and warn them, or put them on probation for a specified period (Regulation 75, Public Service Regulations (PSR)). An employee charged with a criminal offence punishable by imprisonment for a term of one year or more must be suspended from duty (Regulation 76, PSR).

Persons who have been dismissed from the public service are not eligible to serve as permanent employees in the public service (including in State-owned enterprises) (Regulation 30, PSR). However, the regulations do not provide that convicted persons shall be disqualified from serving as public officials.

Niue does not have a rehabilitation programme to promote the reintegration of convicted offenders into society.

Apart from section 286 of the Niue Act referenced above, there are no discretionary powers for law enforcement to grant special protections or immunity to cooperating offenders.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Niue has not adopted measures for the effective protection of witnesses, experts and their relatives or close associates, including physical protection of such persons, evidentiary rules that would ensure their safety when giving testimony, or measures for their relocation. There are no specific protection measures for victims.

Niue has not adopted measures to protect reporting persons against unjustified treatment or retaliation.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

Where a person is convicted of a serious offence, defined as an offence the maximum penalty for which is death or imprisonment for not less than 12 months, the Solicitor-General may apply to the Court for a forfeiture order against tainted property and/or a confiscation order against the person in respect of benefits derived (section 6 of POCA). Value-based confiscation is provided in Niue (section 19, POCA).

Tainted property includes property that is used in, or in connection with, the commission of an offence (section 4, POCA). However, instruments intended to be used in an offence are not covered in the Act. Furthermore, because Niue has not criminalized all offences under the Convention, there are gaps in the legal framework on freezing, seizure and confiscation in respect of Convention offences.

POCA provides for the seizure and restraint of property and creates information-gathering powers for investigators in addition to traditional investigative tools such as search warrants. These measures allow for the identification, tracing, freezing or seizure of proceeds.

The Chief of Police or the Financial Secretary may manage seized and restrained property, but there are no guidelines or procedures for how seized property shall be managed.

There is no legislative provision requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation.

POCA provides that judges hearing forfeiture applications are entitled to exercise their discretion having regard to rights of third parties (section 11(4)). POCA also protects third parties who claim an interest in property (section 13).

Provisions in the FTRA, sections 5(2) and 21(2), provide a sufficient basis to overcome financial secrecy obligations.

*Statute of limitations; criminal record (arts. 29 and 41)*

The law regarding the limitation of actions is the same as in New Zealand (section 706, Niue Act). There is no statute of limitations for serious crimes, including offences under this Convention.

The legislation of Niue is silent on the admissibility of previous foreign convictions.

*Jurisdiction (art. 42)*

Niue has established territorial jurisdiction under the Niue Act and POCA, but the jurisdiction on vessels or aircraft is not specifically addressed.

POCA does not cover ancillary offences (participatory acts) to money-laundering, whether committed within or outside Niue.

The Niue Act and POCA do not provide for jurisdiction based on the principles of nationality and State protection.

Jurisdiction over offences committed by persons who are not extradited is not provided for.

Niue does not have a mechanism for avoiding conflicts of jurisdiction.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

There is no framework to address the consequences of corruption, such as legal provisions to annul or rescind a contract or withdraw a concession or similar instrument.

Compensation for damage is limited to loss or damage to property (section 287, Niue Act).

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

The Niue Police is the principal investigating and prosecuting agency for general criminal offences. There are no investigators or prosecutors in Niue specializing in financial and economic crime. Training and resources for domestic investigations and prosecutions are limited. Measures to ensure the independence of the law enforcement bodies could be further strengthened.

There is no formal set-up for inter-agency cooperation, but the Chief of Police has the ability to draw on relevant agencies as needed. Advice and assistance are also sought from the New Zealand Police or Customs in specific cases.

There is no requirement for public officials to report corruption and other misconduct to the investigating and prosecuting authorities.

Regarding cooperation with the private sector, FTRA requires financial institutions to submit suspicious transaction reports (STRs) to the FIU (section 8). Financial institutions may also report suspicious information to a constable or the Solicitor General (section 58, POCA).

Section 21 of FTRA provides that the FIU disseminates information based on STRs to the Crown Law Office and, if the Solicitor General considers it appropriate, to the Police, a law enforcement agency, or a supervisory body outside Niue.

## 2.2. Successes and good practices

- POCA (section 11(2)) establishes various evidentiary standards that are conducive to the seizure and confiscation of criminal proceeds (art. 31(1))

## 2.3. Challenges in implementation

It is recommended that Niue:

- Amend legislation to ensure that all categories of public officials in article 2 of the Convention are covered (art. 15)
- Adopt a legal provision to cover promises of bribery (art. 15(a))
- Eliminate the required mental element “corruptly” (mens rea) in the legislation (art. 15(a), (b))
- Remove the consent requirement in section 180H of the Niue Act (arts. 15, 30(3))
- Criminalize the bribery of foreign public officials or officials of public international organizations and consider establishing the passive version of the offence (art. 16)
- Adopt a comprehensive offence of embezzlement, misappropriation or other diversion of any property by a public official (art. 17)
- Consider adopting a specific provision criminalizing trading in influence (art. 18)
- Consider adopting a specific provision on abuse of functions (art. 19)
- Consider criminalizing illicit enrichment (art. 20)
- Consider criminalizing bribery in the private sector (art. 21)
- Consider adopting a comprehensive offence of embezzlement in the private sector (art. 22)
- Adopt a money-laundering offence that is more clearly aligned with the Convention, which would clearly cover the “conversion or transfer” of criminal proceeds and “disguise” of property, and specify the required purpose or mental element (art. 23(1)(a))
- Amend its money-laundering offence to clearly cover the acquisition or use of criminal proceeds (art. 23(1)(b)(i))
- Amend POCA to include ancillary offences to money-laundering (art. 23(1)(b)(ii))
- Amend its legislation to cover the widest scope of predicate offences, including by criminalizing the offences under the Convention and ensuring, at a minimum, that these qualify as predicate offences to money-laundering (art. 23(2)(a)–(c))
- Specify in the legislation that a person can be convicted of both the predicate offence and of money-laundering (art. 23(2)(e))
- Adopt an offence of bribery of witnesses in accordance with the Convention (art. 25(a))
- Adopt a provision on obstruction of justice or law enforcement officials that is more broadly in line with the Convention (art. 25(b))
- Specify sanctions for legal persons for corruption-related offences and ensure, in particular, that these are effective, proportionate and dissuasive (art. 26)

- Clarify that the liability of legal persons is independent of the criminal liability of the natural persons who committed the offences (art. 26)
- Amend Section 240 of the Niue Act to eliminate the possibility of offences under this Convention being punishable by a fine instead of imprisonment (arts. 26, 30(1))
- Develop sentencing guidelines to provide further guidance on matters of consistency and proportionality of sentencing, in line with international best practices (arts. 26, 30(1))
- Consider criminalizing the preparation for an offence (art. 27(3))
- Adopt legal provisions that address the exercise of discretionary legal powers in line with the Convention (art. 30(3))
- Consider establishing procedures for the disqualification of persons convicted of Convention offences from holding public office (art. 30(7))
- Endeavour to adopt measures to promote the reintegration of convicted offenders into society (art. 30(10))
- Extend the coverage of its legislation on freezing, seizure and confiscation to all offences under this Convention, and to instruments destined for use in offences under the Convention (art. 31(1))
- Adopt measures to strengthen the administration by the competent authorities of frozen, seized or confiscated property (art. 31(3))
- Consider adopting measures requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation (art. 31(8))
- Adopt appropriate measures to provide for the effective protection of witnesses, experts and victims, as well as their relatives or close associates, including their physical protection, relocation and evidentiary rules, as appropriate, in accordance with article 32 (art. 32)
- Consider adopting measures on the protection of reporting persons and provide for their effective enforcement in practice (art. 33)
- Amend its legislation to address consequences of corruption (art. 34)
- Expand its legislation to allow persons who have suffered any kind of damage from corruption to claim compensation, including for personal or other injuries (art. 35)
- Ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement with necessary independence to carry out their functions effectively and without any undue influence, and the provision of appropriate training and resources (art. 36)
- Adopt measures to encourage the cooperation of offenders in investigations and prosecutions, including relevant protection measures for cooperating offenders, taking into account the degree of cooperation in each case, such as the provision of factual, specific information to competent authorities or assisting in the recovery of proceeds of crime. Relevant measures could include mitigated punishment, immunities, or other protections in appropriate cases (art. 37)
- Take measures to enhance cooperation between public authorities and investigating and prosecuting authorities, including by considering a requirement for public officials to report corruption and other misconduct to the investigating and prosecuting authorities (art. 38)
- Amend the FTRA to ensure that STRs are disseminated to the relevant law enforcement agencies when warranted following financial analysis, based on a decision by the FIU independent of any external consent (art. 39)

- Consider adopting a provision on the admissibility of previous foreign convictions (art. 41)
- Specify its legislation to establish jurisdiction over offences committed on board its vessels and aircraft (art. 42(1)(b))
- Consider establishing jurisdiction over offences in cases listed in subparagraphs 2(a) to (d) of article 42 of the Convention (art. 42(2))
- Adopt necessary measures to establish jurisdiction over offences in cases listed in paragraphs 3 and 4 of article 42 (art. 42(3), (4))
- Continue efforts to strengthen cooperation with other States in cases of parallel proceedings (art. 42(5))

#### **2.4. Technical assistance needs identified to improve implementation of the Convention**

- Legal advice to support the development of sentencing guidelines (art. 30(1))

### **3. Chapter IV: international cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

The Extradition Act sets out the procedures for extradition to and from Niue in respect of extradition offences, defined under section 2 as offences punishable by imprisonment for not less than 12 months or conduct which is required to be treated as an extradition offence under an extradition treaty with an extradition country. The Extradition Act limits extradition to “extradition countries” (currently only the Cook Islands and New Zealand).

Dual criminality is a requirement for extradition. Niue has not criminalized all offences under the Convention, which limits the scope of extradition.

Niue is able to extradite persons under the London Scheme for Extradition within the Commonwealth but does not use this Scheme in practice. Niue has not signed any bilateral or multilateral extradition treaties and could in principle apply the Convention as a basis for extradition at the Government’s discretion. Niue allows extradition to countries other than the Cook Islands and New Zealand under reciprocity.

Section 10 of the Extradition Act provides that an extradition request must be refused if the extradition offence is a political offence in relation to the extradition country. There is no law or practice on the interpretation of a political offence.

The Extradition Act prescribes requirements for extradition and grounds for refusal (sections 9–11).

Extradition requires a court process. While the court of Niue sits twice a year, in practice the judge is able to hear applications by telephone.

Section 8 of the Extradition Act provides for simplified measures when a person consents to surrender. A simplified procedure known as “backing of warrants” exists for extradition countries, which involves the endorsement of the original warrant issued in New Zealand or the Cook Islands for the purposes of provisional arrest. Apart from this there are no measures to simplify and expedite extradition proceedings.

All nationals of Niue hold New Zealand citizenship. Nationality is a discretionary ground of refusal of extradition (section 11(1)(iv) Extradition Act). However, prosecution in lieu of extradition is not provided for.



There are no provisions to ensure the fair treatment of persons in extradition proceedings, apart from the right to apply for a review of the decision determining eligibility for surrender.

Discrimination on the grounds of race, religion, nationality or political opinion is a mandatory ground for refusal under Section 10 of the Extradition Act. However, gender and ethnic origin are not included.

The Extradition Act does not require consultations prior to refusing extradition.

Niue has not concluded any bilateral or multilateral agreements or arrangements on extradition.

There is no law or practice on the transfer of sentenced persons, and no arrangements exist with countries outside the Commonwealth.

There is no law or procedure on the transfer of criminal proceedings.

#### *Mutual legal assistance (art. 46)*

MACMA enables Niue to provide a broad range of mutual legal assistance in criminal and proceeds of crime matters. Section 5 further provides that the Act does not prevent the provision or obtaining of international assistance in criminal matters other than as provided for under the Act.

A prerequisite for the provision of mutual legal assistance is the existence in the foreign country of a proceeding or investigation in respect of a “criminal matter” relating to a “serious offence”, as referred to above. It is not necessary for a conviction to have been obtained in the proceeding or for a charge to have been laid in the investigation for assistance to be provided. Dual criminality is a requirement for mutual legal assistance, as per the definition of a “criminal matter”. There is no requirement under MACMA to provide assistance for requests involving non-coercive measures in the absence of dual criminality.

Niue has not received any mutual legal assistance requests for offences under the Convention.

Niue has not signed any conventions, treaties, agreements or arrangements, whether bilateral or multilateral, on mutual legal assistance. The Scheme Relating to Mutual Assistance in Criminal Matters within the Commonwealth (Harare Scheme) would apply, but has not been used in practice.

Although the Proceeds of Crime Act extends criminal liability to legal persons, there are gaps in the legal framework when it comes to providing assistance for offences involving legal persons due to the fact that the penalties applicable to legal persons are not specified in the legislation.

The central authority for mutual legal assistance is the Solicitor General, since the Attorney General’s position was repealed in 2006. There are no mutual legal assistance regulations, guidelines or procedures in place, nor is there any procedure to regulate the process for the execution of mutual legal assistance requests in a timely way.

Niue has not notified the Secretary-General of its central authority or acceptable language for mutual legal assistance.

Section 10 of MACMA outlines the information that must be included in a request for assistance.

Section 17 MACMA provides for safe conduct for persons brought to Niue to give evidence in a proceeding or to assist in an investigation.

The transfer of prisoners for purposes of mutual legal assistance is regulated (sections 24 and 25 MACMA). In particular, the transfer may be authorized where the prisoner has consented to being removed, and the foreign country has given adequate

undertakings (subsection (3)). The assurances addressed in subparagraphs 11(c) and (d) of article 46 are not addressed in MACMA.

Niue allows for the examination of witnesses by video link from the requesting country (section 12 MACMA).

Information obtained by the FIU pursuant to the Financial Transactions Reporting Act may be shared with other countries. However, Niue has not taken legislative measures to ensure that mutual legal assistance is not refused on the grounds of bank secrecy.

Section 50(1) MACMA provides that received material is not to be used intentionally for any other purpose without the approval of the Attorney General.

Section 51 MACMA prohibits the intentional disclosure of the contents or fact of a request, unless necessary, or if the Attorney General has approved the disclosure. There is no requirement to notify a requesting State in case the requirement of confidentiality cannot be met.

Section 8 MACMA provides that assistance provided may be subject to any conditions the Attorney-General determines. Section 7 establishes the grounds for refusal.

MACMA does not make specific provision for refusing assistance on the basis that the offence involves a fiscal matter, nor does it state that a request will not be refused on the basis that the conduct is of a fiscal nature.

MACMA does not provide for reasons for refusal to be provided to the requesting State, and there is no legislative provision for consultation before refusing or postponing assistance.

MACMA does not address the issue of costs of mutual legal assistance.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

Niue law enforcement authorities engage in regional and global law enforcement networks such as the Pacific Transnational Crimes Unit (TCU) network, Pacific Islands Chiefs of Police, Oceania Customs Organization, and the International Criminal Police Organization (INTERPOL), by means of the New Zealand police. Through the TCU network, the Niue Police Department cooperates with the Pacific Transnational Crime Coordination Center (PTCCC), based in Samoa. A secure communication network is established among TCUs for sharing criminal histories, surveillance and other criminal data. The Niue Police Department has one liaison officer in Fiji and one TCU liaison post based in Samoa. Training opportunities are available through the PTCCC, Pacific Islands Chiefs of Police and on an ad hoc basis from Australia and New Zealand police, among others.

The Niue Police Department has signed cooperation agreements with several counterparts and would consider this Convention as a basis for law enforcement cooperation, although there have been no such cases.

The law enforcement authorities may participate in joint investigative teams on a case-by-case basis, without the need for a bilateral or multilateral agreement or arrangement.

There is no law or regulation on the conduct of special investigative techniques or on the admissibility in court of evidence derived therefrom.

### **3.2. Successes and good practices**

- The international cooperation, exchange of information and personnel by the Niue Police Department, through its TCU, with regional and foreign counterparts (art. 48)

### 3.3. Challenges in implementation

It is recommended that Niue:

- Ensure that it is able to grant extradition to the widest range of jurisdictions, by amending the Extradition Act to allow for extradition to other jurisdictions, and further, by making use of this Convention and other multilateral conventions as a basis for extradition (art. 44(1))
- Criminalize the offences under this Convention to ensure that it may extradite persons for Convention offences and consider omitting the dual criminality requirement for offences prescribed by the Convention (arts. 44(1), 44(2) and 44(7))
- Adopt measures to ensure that none of the offences under this Convention are considered to be political offences (art. 44(4))
- Endeavour to expedite extradition procedures and simplify evidentiary requirements by adopting specific measures in this regard (art. 44(9))
- Adopt a legal provision to provide for prosecution in lieu of extradition of nationals (art. 44(11))
- Adopt legislation to ensure the rights and fair treatment of persons in extradition proceedings (art. 44(14))
- Amend legislation to cover gender and ethnic origin among grounds for refusal of extradition under section 10 Extradition Act (art. 44(15))
- Adopt a procedure or regulation to require consultations before refusing extradition (art. 44(17))
- Seek to enter into extradition agreements with other countries to enhance effectiveness of extradition (art. 44(18))
- Consider entering into bilateral or multilateral agreements or arrangements on the transfer of sentenced persons (art. 45)
- Amend MACMA to facilitate the provision of mutual legal assistance by considering to omit the dual criminality requirement for offences prescribed by the Convention and removing the threshold of “serious offences” under the Act. It is further recommended that Niue criminalize the offences under this Convention to ensure that it may provide assistance for Convention offences (art. 46(1))
- Expand the definition of offences for which mutual legal assistance may be provided in MACMA to include penalties applicable to legal persons, so as to provide a legal basis for mutual legal assistance involving legal persons (art. 46(2))
- Take legislative measures to ensure that mutual legal assistance is not refused on the grounds of bank secrecy (art. 46(8))
- Adopt measures to ensure the provision of assistance that does not involve coercive action in the absence of dual criminality (art. 46(9))
- Amend MACMA to include the assurances addressed in art. 46(11)(c)–(d) in cases of prisoner transfer for purposes of mutual legal assistance (art. 46(11))
- In the absence of any mutual legal assistance regulations, guidelines or procedures, ensure that a policy or procedure exists for clear and efficient processes for the execution of mutual legal assistance requests in a timely manner; to clarify that requests will be executed in accordance with the procedures specified in the request, if possible, and to the extent not contrary to the domestic law; and to provide requesting States with information on the status and progress of the measures being undertaken (art. 46(13), (17), (24))

- Make the requisite notification of its central authority and acceptable language to the United Nations (art. 46(13), (14))
  - Make specific provision for prohibiting any use of received information without the prior consent of the requested State party, and for promptly informing the requesting State in case the requirement of confidentiality cannot be complied with (art. 46(19), (20))
  - Amend MACMA to specify that assistance will not be refused on the basis that the offence involves fiscal matters (art. 46(22))
  - Make specific provision for communicating the reasons for refusal to requesting States and to consult with the requesting State prior to refusing or postponing assistance (art. 46(23), (26))
  - Adopt a corresponding provision on costs in line with art. 46(28)
  - Consider the possibility of concluding bilateral or multilateral MLA agreements or arrangements (art. 46(30))
  - Consider adopting a law or procedure on the transfer of criminal proceedings (art. 47)
  - Continue to invest in training and capacity-building of law enforcement personnel (art. 48)
  - Take measures as may be necessary, within its means, to allow for the use of special investigative techniques, and for the admissibility in court of evidence derived therefrom (art. 50)
-