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English only

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

Vienna, 17-19 May 2011

Item 3 of the amended provisional agenda

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

**Proposal for the allocation of the articles of the Convention
and the three Protocols to the five thematic areas and the
two review cycles**

Non-paper by Switzerland

The following proposal by Switzerland represents an attempt to allocate the articles of the United Nations Convention against Transnational Organized Crime and the three Protocols thereto to the five thematic areas proposed in Annex II of Resolution 5/5 of the Conference of the Parties, which are: criminalization and other criminal measures; preventive measures; and international cooperation for the first review cycle, and victim and witness protection; cooperation and technical assistance for the second review cycle. In a first step, the different articles of the Convention were allocated to the five thematic areas in question. In a second step, the different articles of the Protocols were allocated to the five thematic areas and grouped with the articles of the Convention based on similarity.

This proposal illustrates how the implementation of the three Protocols can be reviewed in the framework of a generalized mechanism covering both the Convention and its Protocols. In fact, the thematic areas covered are very similar.



First cycle: Proposed allocation of articles to thematic area

Criminalization and other criminal measures: This thematic area comprises the provisions relating to criminalization and other criminal measures.

Art. 5 Convention	Criminalization of participation in an organized criminal group
Art. 6 Convention	Criminalization of the laundering of proceeds of crime
Art. 8 Convention	Criminalization of corruption
Art. 10 Convention	Liability of legal persons
Art. 11 Convention	Prosecution, adjudication and sanctions
Art. 12 Convention	Confiscation and seizure
*Art. 6 Firearms Protocol	Confiscation, seizure and disposal
Art. 15 Convention	Jurisdiction
Art. 23 Convention	Criminalization of obstruction of justice
*Art. 5 Trafficking Protocol	Criminalization
*Art. 6 Migrant Smuggling Protocol	Criminalization
*Art. 5 Firearms Protocol	Criminalization
*if applicable	

Preventive measures: This thematic area comprises the provisions relating to preventive measures or measures against the criminal phenomena in question.

Art. 7 Convention	Measures to combat money-laundering
Art. 9 Convention	Measures against corruption
Art. 31 Convention	Prevention
*Art. 9 Trafficking Protocol	Prevention of trafficking in persons
*Art. 15 Migrant Smuggling Protocol	Other prevention measures
*Art. 11 Firearms Protocol	Security and preventive measures
*Art. 11 Trafficking Protocol	Border measures
*Art. 11 Migrant Smuggling Protocol	Border measures
*Art. 12 Trafficking Protocol	Security and control of documents
*Art. 12 Migrant Smuggling Protocol	Security and control of documents
*Art. 13 Trafficking Protocol	Legitimacy and validity of documents
*Art. 13 Migrant Smuggling Protocol	Legitimacy and validity of documents
*Art. 8 Migrant Smuggling Protocol	Measures against the smuggling of migrants by sea

*Art. 9 Migrant Smuggling Protocol	Safeguard clauses
*Art. 7 Firearms Protocol	Record-keeping
*Art. 8 Firearms Protocol	Marking of firearms
*Art. 9 Firearms Protocol	Deactivation of firearms
*Art. 10 Firearms Protocol	General requirements for export, import and transit licensing or authorization systems
*Art. 15 Firearms Protocol	Brokers and brokering
*if applicable	

International Cooperation: This thematic area comprises the provisions directly pertaining to international cooperation in relation with judicial proceedings.

Art. 13 Convention	International cooperation for purposes of confiscation
Art. 14 Convention	Disposal of confiscated proceeds of crime or property
Art. 16 Convention	Extradition
Art. 17 Convention	Transfer of sentenced persons
Art. 18 Convention	Mutual legal assistance
Art. 19 Convention	Joint investigations
Art. 21 Convention	Transfer of criminal proceedings

Second cycle: Proposed allocation of articles to thematic area

Procedural measures: This thematic area comprises the provisions relating to criminal proceedings, in particular "victim and witness protection".

Art. 20 Convention	Special investigative techniques
Art. 22 Convention	Establishment of criminal record
Art. 24 Convention	Protection of witnesses
Art. 25 Convention	Assistance to and protection of victims
*Art. 6 Trafficking Protocol	Assistance to and protection of victims of trafficking in persons
*Art. 7 Trafficking Protocol	Status of victims of trafficking in persons in receiving States
*Art. 8 Trafficking Protocol	Repatriation of victims of trafficking in persons
*Art. 16 Migrant Smuggling Protocol	Protection and assistance measures
*Art. 18 Migrant Smuggling Protocol	Return of smuggled migrants

Art. 26 Convention Measures to enhance cooperation with law enforcement authorities

*if applicable

Cooperation and technical assistance: This thematic area comprises the provisions relating to the cooperation between States and to technical assistance.

Art. 27 Convention Law enforcement cooperation

*Art. 10 Trafficking Protocol Information exchange and training

*Art. 7 Migrant Smuggling Protocol Cooperation

*Art. 10 Migrant Smuggling Protocol Information

*Art. 13 Firearms Protocol Cooperation

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

*Art. 17 Migrant Smuggling Protocol Agreements and arrangements

*Art. 12 Firearms Protocol Information

Art. 29 Convention Training and technical assistance

*Art. 10 Trafficking Protocol Information exchange and training

*Art. 14 Migrant Smuggling Protocol Training and technical cooperation

*Art. 14 Firearms Protocol Training and technical assistance

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

*if applicable
