



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group of Government Experts on Technical Assistance

Vienna, 17-19 October 2016

Annotated provisional agenda

Provisional agenda

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
3. Identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23).
4. Identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6).
5. Other matters.
6. Adoption of the report.

Annotations

1. Organizational matters

(a) Opening of the meeting

The ninth meeting of the Working Group of Government Experts on Technical Assistance will be opened on Monday, 17 October 2016, at 3 p.m.

(b) Adoption of the agenda and organization of work

The provisional agenda was prepared on the basis of the recommendations made by the Working Group at its eighth session, held in Vienna from 6 to 7 October 2014.



At its meeting held on 11 March 2016, the extended Bureau of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime approved, by silence procedure, the provisional agenda for the ninth meeting of the Working Group of Government Experts on Technical Assistance.

2. Status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

In accordance with article 32 of the Organized Crime Convention, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States parties in implementing the Convention and the difficulties encountered by them in doing so through information provided by them. For that purpose, each State party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement the Convention, as required by the Conference of the Parties.

At its eighth meeting, the Working Group recommended the development of a multi-year workplan to support a systematic information-gathering effort aimed at advancing implementation of the Convention and the provision of technical assistance (CTOC/COP/WG.2/2014/4, para. 17). According to the recommendation of the Working Group, the workplan should focus on considering the status of responses to requests for information by the Conference and the identification of technical assistance needs and good practices relating to the following articles:

- (a) Article 5, on criminalization of participation in an organized criminal group;
- (b) Article 6, on criminalization of the laundering of proceeds of crime;
- (c) Article 7, on measures to combat money-laundering;
- (d) Article 10, on liability of legal persons;
- (e) Article 23, on criminalization of obstruction of justice.

For its consideration of this item, the Working Group will have before it a background paper on the status of responses by States parties and signatories on the implementation of the Organized Crime Convention and the Protocols thereto.

In addition, the Secretariat will deliver a presentation on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) and on the publication entitled *Implementation of the United Nations Convention against Transnational Organized Crime: Needs Assessment Tools*.

Documentation

Background paper by the Secretariat on the status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/WG.2/2016/2)

3. Identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23)

Article 23 of the Organized Crime Convention requires the criminalization, as obstruction of justice, of the use of coercive or corrupt means to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding; and the use of coercive means to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by the Convention.

Hence, the unique characteristic of the criminalization of obstruction of justice, as contained in article 23, is that it combines the protection of the life, physical integrity and safety of the person with the protection of the integrity of the criminal justice system and those participating and working in it.

Recent information gathered on the criminalization of obstruction of justice has shown that many domestic laws do not have special provisions that operate in this manner. In many jurisdictions, offences relating to intimidation, threats and physical force apply to conduct directed against any person, and do not contain special provisions for the same conduct as directed against persons participating in criminal justice processes.

For its consideration of this item, the Working Group will have before it a background paper on the identification of technical assistance needs and good practices relating to criminalization of obstruction of justice.

The Secretariat will also present an overview of the information regarding the implementation of article 23 that currently exists in the SHERLOC knowledge management portal.

Documentation

Background paper by the Secretariat on identification of technical assistance needs and good practices relating to criminalization of obstruction of justice (article 23) (CTOC/COP/WG.2/2016/3)

4. Identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6)

The objective of organized criminal groups is to generate criminal proceeds from a broad range of offences. Various money-laundering methods are then utilized to disguise the illicit origins of the proceeds. Article 6 of the Organized Crime Convention requires the criminalization of the laundering of proceeds of crime. Moreover, the international community, through the Financial Action Task Force, has developed international standards to combat money-laundering. Those standards call upon Member States to criminalize money-laundering by establishing robust and comprehensive legal regimes against it.

In preparation for the special session of the General Assembly on the world drug problem in 2016, Member States completed and submitted to the United Nations Office on Drugs and Crime part I of the annual reports questionnaire. According to those submissions, more than 90 per cent of responding Member States had criminalized money-laundering. A significant portion of the relevant legislation reportedly took into consideration international requirements, such as the

international instruments applicable to money-laundering, including the Organized Crime Convention, and the above-mentioned international standards.

In addition to criminalizing money-laundering, regimes to prevent and combat it must also be effective. Technical assistance, including the delivery of training, should be geared towards assisting States in reaching that goal.

For its consideration of this item, the Working Group will have before it a background paper on the identification of technical assistance needs and good practices relating to criminalization of the laundering of proceeds of crime.

Documentation

Background paper by the Secretariat on identification of technical assistance needs and good practices relating to criminalization of the laundering of proceeds of crime (article 6) (CTOC/COP/WG.2/2016/4)

5. Other matters

As no issues to be raised under item 5 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

6. Adoption of the report

The Working Group will adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
Monday, 17 October		
3-6 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Status of responses by States parties and signatories on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
Tuesday, 18 October		
10 a.m.-1 p.m.	3	Identification of technical assistance needs and good practices relating to the criminalization of obstruction of justice (article 23)
3-6 p.m.	4	Identification of technical assistance needs and good practices relating to the criminalization of the laundering of proceeds of crime (article 6)
Wednesday, 19 October		
10 a.m.-1 p.m.	5	Other matters
	6	Adoption of the report