



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

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**Consideration of mechanisms for achieving the
objectives of the Conference of the Parties in accordance
with article 32, paragraphs 3-5, of the Convention**

**Development of an online directory of central authorities
and options for the effective use of legislation furnished
under the United Nations Convention against Transnational
Organized Crime**

Note by the Secretariat

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* CTOC/COP/2006/1.



I. Mandates

1. By its decision 2/2, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), at its second session, requested the Secretariat to develop and maintain on its secure website a directory of central authorities designated pursuant to article 18, paragraph 13, of the Organized Crime Convention, and, as far as possible, to include in that directory information such as the responsible position and office, contact details, office hours and languages accepted, as well as any other information that the Secretariat deemed necessary for effective communication.
2. Also by its decision 2/2, the Conference of the Parties further requested the Secretariat, building upon the information obtained, to present to the Conference at its third session an outline of options as to how to make the most effective use of the laws and regulations furnished pursuant to article 13, paragraph 5, of the Organized Crime Convention, with a view to more effective implementation of the Convention.
3. The present note by the Secretariat aims at facilitating further discussions on these matters during the third session of the Conference of the Parties by proposing an online system for the directory of central authorities designated pursuant to article 18, paragraph 13, of the Organized Crime Convention, as well as three options that could be deemed effective and feasible in utilizing the information received in accordance with article 13, paragraph 5, of the Convention.
4. The implications of implementing these proposals would vary, depending on a number of factors, such as the volume of information and requirements for maintenance.

II. Online directory of central authorities designated pursuant to article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime

A. Background

5. Article 18, paragraph 13, of the Organized Crime Convention requires States parties to designate a central authority to receive requests for mutual legal assistance and either to execute those requests or transmit them to the competent authorities for execution. Furthermore, States parties are required to notify the Secretary-General of the name of the central authority designated in accordance with this provision, as well as a language or languages acceptable for requests for mutual legal assistance, at the time of deposit of instruments of ratification or accession.
6. With a view to facilitating the notification process, the Secretariat circulated a brief questionnaire on basic reporting obligations (between the first and second sessions of the Conference of the Parties) and a questionnaire on the implementation of the international cooperation provisions of the Organized Crime Convention (between the second and third sessions of the Conference).

B. Proposal for an online directory of central authorities

7. The proposed online directory would aim at facilitating maintenance of the information, improving its integrity and security and involving central authorities in maintaining their information directly. In order to meet these aims, the proposed online directory will satisfy the following requirements:

(a) Compact delivery size of the web components to allow fast access even for those central authorities with slow Internet connections;

(b) User-friendly interface with clear options and workflow;

(c) A password-protected system based on various user roles with restricted privileges depending on the user, with a view to giving users a defined area of responsibility and filtering information to be displayed based on the level of access of the user;

(d) Flexibility of the input mechanism to allow multiple entries of data when needed and the ability to broaden the possible data spectrum;

(e) Ability to accept at least three of the six United Nations official languages for data input—English, French and Spanish—with a possibility to make the entire system (both data and applications) multilingual in the future, should it be feasible;

(f) Ability to generate a portable document format (pdf) document version of the entire database in a specified format (modelled after a directory of competent national authorities under articles 6, 7 and 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988¹) in real time in order to print, attach to an e-mail or write to a disk (restricted to authorized users);

(g) Setting up mechanisms to ensure that information remains up-to-date.

8. Based on the experiences gained in drawing up the directory of competent national authorities pursuant to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the core data elements would include:

(a) Country;

(b) Name of the central authority or authorities;

(c) Full postal address;

(d) Name of the service to be contacted;

(e) Name of the person to be contacted;

(f) Title of the contact person;

(g) Telephone number;

(h) Telefax number;

(i) 24-hour line (if applicable);

(j) E-mail address;

- (k) Office hours;
- (l) Time zone (Greenwich Mean Time +/-);
- (m) Languages accepted;
- (n) Acceptance of requests by Interpol;
- (o) Information needed for requests to be executed;
- (p) Formats and channels accepted;
- (q) Specific procedure in urgent cases.

C. Time frame for implementation

9. The time frame for implementation depends on the availability of financial and human resources and would be influenced by guidance received from the Conference of the Parties.

III. Options for the most effective use of the laws and regulations furnished pursuant to article 13, paragraph 5, of the United Nations Convention against Transnational Organized Crime

A. Background

10. Article 13 of the Organized Crime Convention sets forth various mechanisms to enhance international cooperation with respect to confiscation. Under paragraph 5 of the article, each State party is required to furnish copies of its laws and regulations that give effect to article 13 and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General.

11. As at 24 July 2006, the following States had provided copies of their laws and regulations giving effect to article 13 of the Organized Crime Convention or had indicated their intention to do so:

<i>State</i>	<i>Language of information</i>
Argentina	Spanish
Azerbaijan	Russian
Belgium	French
Canada	English
Colombia	Spanish
Costa Rica	Spanish
Egypt	Arabic
El Salvador ^a	Spanish
Guatemala	Spanish
Kazakhstan	Russian
Latvia	English

Lithuania	English
Malaysia	English
Mexico	Spanish
Myanmar	English
Namibia	English
Netherlands	Dutch
New Zealand ^a	English
Nigeria ^a	English
Paraguay	Spanish
Poland	English
Slovakia	English
South Africa	English
Sweden	English
Turkey	English
Uzbekistan	Russian

^a States that have indicated their intention to provide copies of relevant legislation.

12. In addition, the responses from the following 16 States contained references to relevant provisions or legislation, but did not provide actual copies: Angola, Austria, Bahrain, Belarus, Brazil, China, Croatia, Cyprus, Estonia, Malta, Morocco, Romania, Russian Federation, Spain, Syrian Arab Republic and Tajikistan. Jamaica responded that a draft bill was being debated.

B. Options for the effective use of laws and regulations

13. In its consideration of the matter, the Conference of the Parties should note that the options presented below are not mutually exclusive, but could be pursued in parallel.

1. Option 1. Preparation of a web page with Internet links to existing sources

14. The simplest and least-costly option would be for the Secretariat to maintain a list of external sources of laws and regulations and to provide links to those existing sources on the website of the United Nations Office on Drugs and Crime (UNODC). These links would cover governmental sources and existing information available on the UNODC websites, such as the UNODC legal library on the drug conventions (<http://www.unodc.org/unodc/en/legislation.html>), the electronic legal resources on international terrorism (<http://www.unodc.org/tldb>), available on a password-protected basis, and the International Money-Laundering Information Network (IMoLIN) (<http://www.imolin.org>).² States parties would be required to provide either hyperlinks to relevant information available online on their governmental websites or to indicate specific information already available on the UNODC website, to which a hyperlink can be created.

15. The only resource requirements for this option would be staff time to maintain general information on the contents of the web page and to ensure that links are up to date. As the initial number of information sources is anticipated to be relatively

small, the staff time required could in all likelihood be absorbed within existing resources.

16. This option could reduce the burden of subsequent reporting on those States parties whose information is maintained on their own websites. Since the information would not actually be maintained and provided on the UNODC website, however, the accuracy of the information could not be ensured and the information may not be updated.

17. For those States parties which would be unable to maintain information on their governmental websites, the Conference of the Parties may wish to consider combining this option with option 2 below, allowing some States to submit their legislation and regulations in hard-copy format.

2. Option 2. Hosting of web-based resources of laws and regulations

18. A second option would be for the Secretariat to host web-based resources of laws and regulations related to organized crime on the UNODC website. Information submitted in an electronic form would be directly uploaded onto the UNODC website, while information submitted originally in hard-copy format would be scanned and then uploaded. For effective use, States parties would be strongly encouraged to submit laws and regulations, as well as any subsequent changes thereto, in a digital format.

19. The costs for this option would be higher than those for option 1. This option would require additional staff time to convert received information into an appropriate format, if necessary, and to upload it onto and maintain the web-based resources. If the use of optical character recognition is recommended, additional costs for purchase and maintenance of the necessary equipment would be required.

20. This option would allow the Secretariat to fully control the content of the web-based resources. However, those States with limited Internet access may have difficulties in viewing and downloading scanned copies of laws and regulations uploaded on the UNODC website.

21. In considering this second option, the Conference of the Parties is invited to direct its attention to the existing web-based resources on the UNODC website, such as the legal library on the drug conventions, the electronic legal resources on international terrorism and IMoLIN. Should this option be deemed the most appropriate, the necessary links would be established to the existing web-based resources on the UNODC website.

3. Option 3. Development of a web-based legal database

22. The most comprehensive approach would be to establish a web-based legal database with various options for searching, sorting and filtering information. This option would be feasible only if the Conference of the Parties decides to develop a larger scale database covering other relevant information received by the Secretariat; the database of confiscation laws could serve as a prototype for such a full-scale database.

23. The overall costs associated with the development and maintenance of the database would vary, depending on the scale and technical specifications.

24. This option would allow the Secretariat to collect, maintain and disseminate a comprehensive set of legislation and regulations that give effect to article 13 of the Organized Crime Convention in a user-friendly manner. The features of the legal database could evolve, taking into consideration feedback from States parties and other stakeholders.

25. As is the case with option 2 above, the Conference of the Parties is invited to consider the potential consequences of this option, if selected, on the existing web-based resources on the UNODC website, such as the legal library on the drug conventions, the electronic legal resources on international terrorism and IMoLIN.

C. Issues for consideration

26. Implementing the proposed options would require additional consideration in the areas described below. The Conference of the Parties should note that some of the issues presented below might have financial implications.

1. Languages and translation

27. Resource requirements would significantly vary depending on the need for translation of the information received. In this regard, should the Conference of the Parties decide to implement options 2 or 3, the elements described below need to be considered.

(a) Language(s) of information submitted by States parties

28. The Conference of the Parties may wish to consider encouraging States parties to submit information in a limited number of languages, for example, in English only, or in English, French and Spanish only, in order to strike a balance between the usefulness of information and the cost of translating it.

(b) Translation of information submitted by States parties

29. The Conference of the Parties is invited to consider the need for translation of information submitted by States parties, and if so, in which languages the information should be available.

30. In the case of the UNODC legal library on the drug conventions, information submitted in the working languages of the Commission on Narcotic Drugs (English, French and Spanish) is posted as it is, while information submitted in Arabic, Chinese and Russian is translated into one of the working languages and added to the library.

2. States parties with limited or no access to the Internet

31. The web-based options presented above would pose a problem to States parties with limited or no access to the Internet.

32. The Conference of the Parties may wish to consider requesting the Secretariat to develop a CD-ROM version of information furnished in accordance with article 13, paragraph 5, of the Organized Crime Convention and/or to prepare a limited number of hard copies and provide them upon request.

3. Other laws received by the Secretariat

33. The Conference of the Parties should note that the Secretariat has received a number of other laws submitted in accordance with article 6, paragraph 2 (d), of the Organized Crime Convention or in response to the questionnaires. Some States have also submitted relevant information on a voluntary basis.

34. The Conference of the Parties may wish to give the Secretariat similar guidance with regard to the legislation and other relevant information received by the Secretariat.

IV. Action by the Conference of the Parties

35. The Conference of the Parties is invited to consider the proposals and issues described in the present note and to provide guidance to the Secretariat on these matters.

Notes

¹ United Nations, *Treaty Series*, vol. 1582, No. 27627.

² IMoLIN, a one-stop anti-money-laundering and countering the financing of terrorism research resource, was established in 1998 by the United Nations on behalf of a partnership of international organizations involved in AML/CFT. The Anti-Money-Laundering Unit of UNODC now administers and maintains IMoLIN on behalf of the following 10 partner organizations: the Asia/Pacific Group on Money Laundering, the Caribbean Financial Action Task Force, the Commonwealth Secretariat, the Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures of the Council of Europe, the Eastern and Southern Africa Anti-Money Laundering Group, the Eurasian Group on Combating Money Laundering and Financing of Terrorism, the Financial Action Task Force on Money Laundering, the Financial Action Task Force of South America against Money Laundering, Interpol, and the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States.
