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Organization of American States

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INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

CICAD

Secretariat for Multidimensional Security

XLI MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING OCTOBER 1-2, 2015 LIMA, PERU

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STUDY ON THE RIGHTS OF VICTIMS AND BONA-FIDE THIRD PARTIES
SUB-GROUP OF FORFEITURE AND INTERNATIONAL COOPERATION, DELEGATION OF BRAZIL AND
EXECUTIVE SECRETARIAT CICAD/OAS

#### STUDY ON THE RIGHTS OF VICTIMS AND BONA- FIDE THIRD PARTIES

Group of Experts for the Control of Money Laundering (GELAVEX)

Subgroup of Forfeiture and International Cooperation, Delegation of Brazil and Executive Secretariat CICAD/OAS





#### **BACKGROUND**

In the XXIX Meeting of GELAVEX, held on September 25 and 26 in Montevideo, Uruguay the Group approved the Strategic Plan 2015-2017 and the Work Plan 2014-2015:

- Action line: The Sub-working group of Forfeiture and International cooperation will support the ES/CICAD on the topic of the rights of the victims and bona-fide third parties under the Technical Assistance Program on International Cooperation in the matter of Asset Recovery
- ➤ Work plan: "STUDY ON RIGHTS OF VICTIMS AND BONA-FIDE THIRD PARTIES»//Sub-group of Forfeiture and International Cooperation, Delegation of Brazil and the ES/CICAD.



#### **BACKGROUND**

- STUDY compiles information about the main international agreements ratified by the Member States of the OAS in which the need to respect the rights of victims and bona-fide third parties is mentioned, as well as how such standards are being implemented in the region.
- The progress report of the Study defines: the general objective, the specifics and the methodology. The document consolidated information on international standards, regional and bilateral agreements and legislation in some countries.



#### STUDY ON THE RIGHTS OF VICTIMS AND BONA-FIDE THIRD PARTIES

· Includes information about:

Antigua and Barbuda
Argentina
Bahamas
Haiti
Barbados
Honduras
Belize
Spain
Brazil
Mexico
Bolivia
Panama
Canada
Colombia
Costa Rica
Chile
Dominica
El Salvador
El Salvador
Ecuador
United States
Granada
Guyana
Haiti
Honduras
Spain
Mexico
Panama
Paraguay
Dominican Republic
Saint Lucia
Saint Lucia
Saint Vincent and Nevis
Suriname
Trinidad and Tobago
Uruguay
Venezuela.



### **Specific Objectives**



3.1.1) To compile the main international agreements ratified by the Member States of the OAS in which the need to respect the rights of victims and bona-fide third parties is mentioned.



## **Specific Objectives**



3.1.2) Carry out a study on the way Member States of the OAS implement international agreements and recommendations on the subject of forfeiture respecting the rights of victims and bona fide third parties.



### Methodology





- ViennaConvention
- PalermoConvention
- MeridaConvention



 Inter-American Convention on Mutual Assistance in Criminal Matters



 Mercosur Protocol of Mutual Juridical Assistance in Criminal Matters

#### Methodology



- + Model Regulations on money laundering offenses related to drug trafficking and other serious crimes [CICAD]
- Regulatory aspects for the creation and development of bodies specialized in the administration of seized and forfeited assets [CICAD]
- +Model Law on in rem forfieture [UNODC]
- + Recommendations of the International Financial Action Group
- + Best practices on forteiture [FATF]



- + spontaneous contributions
- + Responses to the report on the progress of the follow-up study on the procedures and/or criteria of international cooperation to share assets (OEA/Ser.L/XIV.4.38 CICAD/doc.4/14)

### Methodology



against

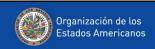
and

Inspiration through evaluations that countries are aldready subject to in international forums

- I. United Nations Convention Transnational Organized Crime Protocols
- II. United Nations Convention Corruption
- III. FATF







#### Final considerations and future steps







# Thank you!!