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# **54th (HYBRID) MEETING OF THE EXPERT GROUP FOR THE CONTROL OF MONEY LAUNDERING.**

## **PROGRESS REPORT**

**Status of the implementation of domain extinction laws in the region and  
other forms of confiscation without conviction.**

**Subgroup on Forfeiture and International Cooperation.**



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## WORK PLAN

GELAVEX prepared the Strategic Plan for the 2021-2023 Triennium of the Group at the XLIX Meeting held virtually from Asuncion, Paraguay on November 10, 2020.

According to the approved work plan for 2023, the Subgroup on International Cooperation and Asset Forfeiture undertook the commitment to carry out:

"Status of the implementation of asset forfeiture laws in the region and other forms of confiscation without conviction."



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## GOAL

The overall objective is to determine which countries in the region have implemented Domain Extinction laws or laws on conviction-based confiscation. It will also be important to differentiate between laws that are of a criminal nature and those that are not.





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## GOAL

It should be noted that within the framework of GELAVEX, in 2016, a task titled "Regional Diagnosis on the Implementation Status of Confiscation Laws in OAS Member States" was carried out. Therefore, the purpose of this work is to update the information contained in that previous task, including observations from OAS Member States regarding the effectiveness and benefits of implementing these laws and the basis for reforms. This last point may include identifying the obstacles that countries have encountered in the creation or implementation of such laws.





## METHODOLOGY

The results compiled in the 2016 Diagnosis will be used as a basis. However, Member States will also be requested to collaborate by providing responses to an online questionnaire that will be sent by the Technical Secretariat of the DDOT. The updated findings of this Diagnosis and the responses from Member States will be presented in the study to be delivered for discussion at the 55th plenary meeting, scheduled to take place in the second half of 2023.





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## BACKGROUND

The Regional Diagnosis on the Implementation Status of Confiscation Laws in OAS Member States, approved by GELAVEX, identified the following variables in the case of criminal asset forfeiture:

- Traditional criminal asset forfeiture.
- Special asset forfeiture.
- Absolute asset forfeiture.
- Expanded asset forfeiture.





## BACKGROUND

Regarding non-criminal asset forfeiture, the following were identified:

- Domain Extinction
- Loss of domain
- In rem forfeiture
- Confiscation without conviction, which was indicated in the Diagnosis to potentially be of a criminal or non-criminal nature.





## BACKGROUND

These results were obtained from the information provided by fourteen countries, from whom we expect to receive responses to update the data. These countries include Bolivia, Brazil, Colombia, Costa Rica, El Salvador, United States, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Venezuela, and Uruguay.





## Proposed Questionnaire

1. Does your country have legislation on domain extinction or other forms of confiscation without conviction? If your answer is affirmative, please provide the current legislation in PDF format. If your answer is negative, please inform whether there are any pending bills on this matter and, if possible, indicate their status.
1. For countries that have legislation on domain extinction or other forms of confiscation without conviction: Are there any proposed reforms to the existing legislation? If your answer is affirmative, please specify the proposed reforms.
1. Regarding the Model Law on domain extinction: Did your country's legislation include any innovative instruments not included in the model law?





## PROPOSED QUESTIONNAIRE



4. Please comment on the impact that the entry into force of legislation on domain extinction or other forms of confiscation without conviction has had in your country.
  
4. For countries that have existing legislation on domain extinction or other forms of confiscation without conviction: What have been the challenges and difficulties in implementing it?
  
4. For countries that have legislation on domain extinction or other forms of confiscation without conviction: Does the country have sufficient resources for the enforcement of the legislation?
  
4. For countries that do not have legislation on domain extinction or other forms of confiscation without conviction: What factors have hindered the enactment of legislation in this regard?



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