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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  
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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**



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## 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.



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## 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.



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

- Includes information about:

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



## Specific Objectives



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- 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



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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



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- Vienna Convention
- Palermo Convention
- Merida Convention



- Inter-American Convention on Mutual Assistance in Criminal Matters



- Mercosur Protocol of Mutual Juridical Assistance in Criminal Matters

## Methodology



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- + 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 forfeiture [UNODC]
- + Recommendations of the International Financial Action Group
- + Best practices on forfeiture [FATF]

## Methodology



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- + 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



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

I. United Nations Convention against Transnational Organized Crime and its Protocols



II. United Nations Convention against Corruption

III. FATF



## Final considerations and future steps



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**Thank you!!**