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Consideration of the draft convention against transnational organized crime

Proposals and contributions received from Governments on the draft United Nations Convention against Transnational Organized Crime

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I. Introduction

The Secretary-General has the honour to bring to the attention of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime the comments and proposals of the Government of Colombia that relate to the draft United Nations Convention against Transnational Organized Crime.

II. Proposals and contributions received from Governments

Colombia

[Original: Spanish]

Article 5

Corporate liability

The delegation of Colombia accepts option 1 as a basis for discussion. However, it feels that its wording should be brought into line with the text proposed by the delegation of France as article 7 (A/AC.254/5, p. 7).

In addition, it is suggested that a further criminal offence, referred to as “failure of supervision”, be included in this article, since, independently of the criminal, civil, administrative or commercial liability of legal persons, provision should be made for the individual criminal liability of persons whose failure assists in the commission of a predicate offence. The following text is accordingly suggested:

“States Parties shall, where necessary and for the purposes of this Convention, establish in their domestic legislation an appropriate penalty for employees or managers of financial institutions or of institutions entrusted with supervisory functions in cases where such persons fail to comply with any or all of the supervisory arrangements laid down.”