

The SHERLOC Newsletter is pleased to share with you our recent efforts to facilitate the dissemination of information regarding the implementation of the [UN Convention against Transnational Organized Crime and its three Protocols](#).

Spotlight

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UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO



Legal persons are not only capable of committing serious forms of crime, but in many instances, they are also specially equipped to effectively hide their role in the commission of such crimes.

In light of their special nature and immense capacity to commit transnational organized crime, Article 10 of the Organized Crime Convention requires State parties to establish liability for legal persons. This liability may be criminal, civil or administrative.

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In the past, many State parties struggled to properly implement the requirements of Article 10 because traditional principles on liability, particularly criminal liability, have focussed exclusively on the liability of people and not entities such as companies. However, even before the Organized Crime Convention came into force, several States had begun broadening the scope of criminal liability to include legal persons, as well as the scope of crimes for which legal persons can be held liable.

In Portugal, under the instructions of B., several products, including food and medicinal products were packed in plastic barrels to be sold with already expired labels. This incident occurred at the premises of Confeitaria C., L. da, a manufacturer of raw materials and finished products, and when the incident came to the attention of the Public Prosecutor, he decided to press criminal charges against both B. and Confeitaria C., L. da for supplying dangerous products to the public.

The first judgment against the defendants found B. guilty of the offence, but the charges against Confeitaria C., L. da were rejected because according to the judge, finding a company criminally liable contravened article 12(2) of the Constitution of the Portuguese Republic. The case was then referred to the Constitutional Court for a matter of interpretation, and in its first ruling ever on the liability of legal persons, the Constitutional Court of Portugal ruled that the criminal liability of legal persons does not violate the Constitution of the Portuguese Republic.

Following this ruling, several more cases against the criminal liability of legal persons were forwarded to the Constitutional Court, all of which the Constitutional Court drew similar conclusions on. As such, the issue of whether legal persons may be held criminally liable in Portugal is undisputed, and is now reflected in the Portuguese Criminal Code. You can find more about [this case](#), and several others on the establishment of liability of legal persons on [SHERLOC](#).



What's New on SHERLOC?

SHERLOC is continuously expanding the list of legislation available on the [Database of Legislation](#). We are proud to have more legislation in Arabic from Bahrain, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, State of Palestine, Sudan, Syrian Arab Republic, Yemen and the United Arab Emirates. You can support the initiative to add more Arabic legislation by sending it to us at sherloc@unodc.org

يتضمن موقع شيرلوك حالياً ٢٧٢ قانوناً بخصوص [عرقلة سير العدالة](#) من ١٥٥ بلداً. كما ان تجريم عرقلة سير العدالة هي احدى بنود جدول اعمال فريق الخبراء الحكوميين المعني بالمساعدة التقنية الذي سيعقد اجتماعه في فيينا من ١٧ لغاية ١٩ تشرين الاول/ اكتوبر ٢٠١٦. وبالتالي نهدف الى تغطية أكبر عدد ممكن من الدول على بوابة شيرلوك قبل ذلك الحين. يمكنك دعم هذه المبادرة عبر ارسالك لنا للتشريعات الوطنية التي لا تتوفر بعد على [قائمتنا](#).

SHERLOC is also now home to 272 legal provisions pertaining to the [criminalization of obstruction of justice](#) from 155 countries. Criminalization of obstruction of justice is one of the agenda items for the Working Group of Government Experts on Technical Assistance to be held in Vienna on the 17 to 19 October 2016. We therefore aim to cover as many countries as we can on SHERLOC before then. You can support this initiative by sending us legislation from your national jurisdiction should it be missing from [our list](#).

Meet a Contributor!



Ellen Wood is our featured contributor this issue. Ellen is a sixth year student at the University of Queensland Australia, completing dual bachelor degrees in Law (Honors) and Commerce. Ellen has recently joined the SHERLOC team to lend a hand in compiling case law on obstruction of justice and wildlife, forest and fisheries crimes.

Her research interest in transnational organized crime is a strong motivating factor for her contribution to the SHERLOC database. Ellen has written two academic research papers on Australia's policies relating to irregular migration and Australia's criminalization approach to trafficking in persons.

SHERLOC is always looking for contributors who support us in collecting and summarizing legislation, case law and bibliographic data. Contact us at sherloc@unodc.org



Upcoming Events



6 – 7 June – Open – ended Intergovernmental Meeting to Explore All Options Regarding an Appropriate and Effective Review Mechanism for UNTOC and the Protocols thereto

17 – 21 October – Conference of the parties to the United Nations Convention against Transnational Organized Crime, 8th Session

17 – 19 October – Working Group of Government Experts on Technical Assistance, 9th Session

19 – 21 October – Working Group on International Cooperation, 7th Session

For further information, please contact:

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Conference Support Section
Organized Crime and Illicit
Trafficking Branch/Division for
Treaty Affairs

