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## International Crime & Comparative Criminal Law

Wintersemester 2015/16 (UZH)/Semester 1, 2016 (UQ)  
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UZH: [...] / UQ: LAWS5213 Research Project B

### Research topics

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Students can choose from a set list of topics and are required to present their research finding in class during the course days in September and October and submit a written, fully referenced summary of their research at the completion of the course. The research topic centre on the criminology and laws relating to international crime in common law and civil law jurisdictions, chiefly Australia and Switzerland.

#### **PART I: International Crime and International Organizations**

##### *#1: The United Nations criminal justice system in the suppression of international crime*

This project examines the role of the United Nations in combatting international crime. Specific attention will be drawn to the work of the United Nations Office on Drugs and Crime (UNODC, formerly UNODCCP and CICP), the Commission on Crime Prevention and Criminal Justice, and the Congresses on Crime Prevention and Criminal Justice.

##### *#2: Regional European organizations and the suppression of international crime*

This project examines the role of regional European organizations in combatting international crime. The focus will mainly be on the EU and the Council of Europe. Reference to other organizations, such as the OSCE, will be made where appropriate. Specific attention will be given to the unique nature of the EU and the consequences this has for its approach to combatting international crime.

##### *#3: Regional initiatives in Southeast Asia relating to the suppression of international crime*

This project examines the role of regional organizations in Southeast Asia in combatting international crime. Specific attention will be drawn to the work of Association of Southeast Asian Nations (ASEAN) and other multilateral initiatives involving Southeast Asia.

##### *#4: The Role of comparative law in the context of law-making in international organizations - Australia*

This project examines how comparative law influences law-making in international organizations and how standards for both substantive and procedural aspects are reached through the use of comparative

law when different legal systems interact. The main focus will be on Australian involvement in the drafting of criminal law measures within international organizations.

*#5: The Role of comparative law in the context of law-making in international organizations - Switzerland*

This project examines how comparative law influences law-making in international organizations and how standards for both substantive and procedural aspects are reached through the use of comparative law when different legal systems interact. The main focus will be on Swiss involvement in the drafting of criminal law measures within international organizations.

PART II: Money laundering

*#6: The international law relating to money laundering*

This project provides a critical overview of the international law relating to money laundering and international crime. Particular attention will be drawn to the anti-money laundering provisions in the United Nations *Convention against Transnational Organized Crime* and the work of the Financial Action Task Force.

*#7: Criminalising money laundering in Australian federal law*

This project critically examines the offences relating to money laundering under the *Criminal Code* (Cth). This involves an analysis of the evolution and background of these offences, their elements, application, and interpretation by the courts.

*#8: Criminalising money laundering Swiss law*

This project critically examines the offences of money laundering under Swiss law (in particular through art. 305bis of the Criminal Code) as well as the role of the Anti-Money Laundering Act. The analysis includes a close look at the elements of the offences, the evolution of these laws and the influence of international efforts of combatting money laundering. Attention will also be given to current practices with regard to enforcing these laws.

PART III: Corruption

*#9: The United Nations Convention against Corruption*

This project provides a critical overview of the background, scope, provisions, application, and implementation of the United Nations *Convention against Corruption*.

*#10: Criminalising corruption in Australian federal law*

This project critically examines the offences relating to corruption and bribery under the *Criminal Code* (Cth) and other relevant federal statutes. This involves an analysis of the evolution and background of these offences, their elements, application, and interpretation by the courts.

*#11: Criminalising corruption in Swiss law*

This project provides an analysis of offences relating to corruption and bribery under Swiss federal law both in the public and private sector, especially Art. 322ter – 322octies of the Criminal Code as well as Art. 23, 4a of the Law on Unfair Competition. This includes an analysis of the evolution of these laws, their elements and, in particular, current practices with regard to their enforcement.

#### PART IV: Trafficking in persons

##### *#12: The criminalisation of trafficking in persons in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons*

This project critically examines the criminalization requirements in Article 5 of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. This involves an analysis of the evolution and background of these requirements and the elements of the trafficking in persons offence.

##### *#13: Criminalising trafficking in persons in Australian federal law*

This project critically examines the offences relating to slavery, servitude, and trafficking in persons under Divisions 270 and 271 of the *Criminal Code* (Cth). This involves an analysis of the evolution and background of these offences, their elements, application, and interpretation by the courts.

##### *#14: Criminalising trafficking in persons in Swiss law*

This project critically examines the offence of trafficking in persons ('Menschenhandel') under Article 182 of the *Criminal Code* (CH) and other pertinent criminal provisions. This involves an analysis of the evolution and background of this offence, its elements, application, and interpretation by the courts.

#### PART VI International cooperation

##### *#15: International police cooperation against organized crime*

This project examines organizational and legislative measures to enable and facilitate international law enforcement cooperation against organized crime. This involves, in particular, a critical analysis of the relevant work of the International Criminal Police Organization (ICPO-Interpol) and Europol.

##### *#16: Mutual legal assistance in criminal matters relating to organized crime*

This project examines the range of 'tools' and mechanisms to provide mutual legal assistance in criminal matters relating to organized crime. Particular attention will be drawn to the provisions under Article 18 of the *Convention against Transnational Organized Crime*.

##### *#17: Extradition of transnational criminals*

This project examines mechanisms and processes involved in requesting and providing extradition in matters relating to organized crime. Particular attention will be drawn to the provisions under Article 16 of the *Convention against Transnational Organized Crime*.

##### *#18 Asset recovery under Australian federal law*

This project examines provisions relating to asset recovery under Australian federal law. A particular focus of this project are the *Proceeds of Crime Acts* and the work of the Australian Federal Police (AFP), the Australian Crime Commission (ACC) and other relevant agencies.

##### *#19: Asset recovery under Swiss law*

This project examines the Swiss law on asset recovery as set out in Art. 69 to 73 of the Criminal Code, international cooperation on asset recovery and asset recovery under the law on Restitution of Illicit Assets of Politically Exposed Persons. The analysis will include an outline of the evolution of these systems and an outline of the substantive and procedural aspects. Particular emphasis will be given to the aspects that are unique to Swiss law.