



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General
20 March 2017

Original: English

Working Group on Firearms

Vienna, 8-10 May 2017

Item 2 of the provisional agenda*

**Preparation of the questionnaire to review the
implementation of the Firearms Protocol**

Draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, in accordance with resolution 8/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Note by the Secretariat

At its eighth session, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to continue the process of establishing the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and that such mechanism shall progressively address all the articles contained in the Convention and the Protocols thereto (Conference resolution 8/2).

The Conference decided also that the review mechanism shall be conducted within the Conference and its existing working groups, which shall add the matter as an item to their agenda, consistent with their areas of expertise and without prejudice to their respective existing mandates, and that for that purpose, each relevant working group shall define, in the next two years, with the assistance of the Secretariat, a short, precise and focused self-assessment questionnaire.

The present questionnaire was developed pursuant to this mandate, to collect information from States parties and signatories to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol), in accordance with Conference resolution 8/2.

The questionnaire builds on previous information-gathering questionnaires developed by the Secretariat and adopted by the Conference at its second session¹ and covers all relevant provisions of the Protocol.

* CTOC/COP/WG.6/2017/1.

¹ <http://www.unodc.org/unodc/en/treaties/CTOC/review-questionnaires.html>.



It was based on the following general principles:

- In order to avoid the need for extensive interpretation, questions contain language on concrete measures instead of generic references to the Protocol and Convention provisions.
- Asterisks (*) after some sections or single questions indicate the optional nature of the Protocol provision on which the question(s) are based, or the optional nature of the measures put in place by States in order to implement specific Protocol provisions.
- To ensure coherence of the questions and within the questionnaire, and to facilitate understanding of the content and context of the questions, one introductory question is generally followed by one or more questions (a, b, c) on details regarding the implementation of the instrument under review.
- Questions aim at providing a basis for the review of the legislative transposition as well as the practical implementation of measures provided in the Protocol.
- Where appropriate, questions also relate to the mutatis mutandis application of the Convention on specific matters falling under the scope of application of the Protocol.

I. General information

1. Please provide **general information on your legal system of your country** and on the **ratification/acceptance/approval/accesion and status of the Firearms Protocol**.

***Guidance:** information sought relates the status of the Protocol in your country's legal system, whether the Protocol can be applied directly or whether it needs implementing legislation. Please describe the legal act through which the Protocol was ratified/accepted/acceded in your country; date of ratification/acceptance/approval/accesion and of entry into force; procedure followed for ratification/acceptance/approval/accesion to international conventions.*

2. Please indicate if your country is a party or signatory to **other multilateral instrument(s)** on firearms/small arms and light weapons/conventional arms? Please specify which ones:

Instrument	Commitments
Arms Trade Treaty	Status: [not signed/signed/party]; Entry into force: [date]
Regional legal instrument(s) [name of the instrument]	
[name of the instrument]	

3. Please **describe the national firearms control system** in place in your country, and provide details (name, mandate and structure) of the **relevant institutions and national authority(ies)** responsible for the control of firearms, their parts and components and ammunition, as well as for the investigation and prosecution of their illicit manufacturing and trafficking.

Please specify if your country has established a competent authority(ies) responsible for:

- Issuing licences or authorizations for the manufacturing of firearms, their parts and components and ammunition

- Issuing licences or authorizations for their import, export or transit of those items

- Recording and keeping registries on those items

- Seizure and confiscation

- Marking, collection, management and disposal of illicitly trafficked or manufactured firearms

- Investigation and prosecution of offences involving those items

4. Has your country **assessed the effectiveness of its measures** against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

Yes No

- (a) Please cite any relevant document(s) (e.g. assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

5. Has your country adopted a **national strategy** or **action plan** to enhance national firearms control, or to counter illicit manufacturing of and illicit trafficking in firearms, or to implement relevant regional or international instruments in this field?

Yes No

- (a) If yes, please cite the relevant strategy or action plan and provide a short explanation of their scope, and/or measure(s).

6. Is your country currently in the process of developing/adopting new legislation, regulations, or any other legislative initiatives related to firearms?

Yes No

- (a) If yes, please provide details of any relevant draft bills, policies and/or other measures that you want to be taken into account in the present assessment.

7. Please list and attach all relevant laws, policies and/or other documents and measures that are cited in the responses and that you want to be taken into account in the present assessment, along with a short explanation of their scope. If available online, please attach copies of all relevant laws and acts, and/or provide hyperlinks to the web pages where the full text can be found.

Guidance: please revert to this question after finishing your self-assessment to ensure that all legislation, policies and/or other measures you have cited are included in the list.

When answering to the assessment questions, please cite the specific passage or provision(s) of the above-listed laws, policies or measures, that are relevant to the specific question.

II. Use of terms and definitions (article 3)

8. Does your domestic legislation on firearms **apply to**:

- | | |
|---|---|
| <input type="checkbox"/> Firearms | <input type="checkbox"/> Small arms and light weapons |
| <input type="checkbox"/> Conventional arms | <input type="checkbox"/> Parts and components |
| <input type="checkbox"/> Ammunition | <input type="checkbox"/> Explosives and other devices |
| <input type="checkbox"/> Other (please specify) | |

9. Does your domestic legislation contain a **legal definition** of any of the following terms? Please cite the relevant law(s) or regulation(s) and definition(s).

- (a) Firearms (art. 3 (a)).

Yes No

- (i) Please cite:

- (ii) Does your legislation use different terms, classifications or categories, in addition to or other than firearms (e.g. small arms, light weapons, military weapons, hunting weapons, etc.)?

Yes No

- (iii) Please cite the relevant definitions, law(s) or policies on those terms, classifications and categories here:

(iv) If the answer to question 9 (a) is yes, please specify whether the definition of firearms used in your domestic legislation is based on:

- Physical or forensic characteristics associated with firearms (e.g. size, portability, type of rifling, type of action or shooting mechanism, etc.)
- Categories (e.g. prohibited or restricted arms, categories based on particular legal regime of the weapons, etc.)
- Qualifying terms indicating the intended application for which the firearms were designed (such as military, or sporting or recreational firearms)
- (v) Please explain and provide examples of such characteristics, categories/classifications, or use:

(b) Are antique firearms and their replicas defined and regulated in your domestic legislation?

Yes No

(i) Please specify and provide any available information on:

- Any threshold used to exclude antique firearms from the scope of application of national law(s) on firearms (specific number of years or a date in time)
- Any criteria used to exclude replicas of antique firearms from the scope of application of national law(s) on firearms (capabilities or appearance of the replicas)

(c) Parts and components of firearms (art. 3 (b)).

Yes No

(i) Please cite:

(d) Ammunition used in a firearm (art. 3 (c)).

Yes No

(i) Please cite, and indicate whether components of ammunition referred to in article 3, subparagraph (c), are themselves subject to authorization in your country or not.

(e) Illicit manufacturing of firearms, their parts and components and ammunition (art. 3 (d)).

Yes No

(i) Please cite:

(f) Illicit trafficking of firearms, their parts and components and ammunition (art. 3 (e)).

Yes No

(i) Please cite:

(g) Tracing (art. 3 (f)).

Yes No

(i) Please cite:

(h) Broker or brokering activity.

Yes No

(i) Please cite:

(i) Other (please cite):

III. Criminalization

A. Criminalization of illicit manufacturing (article 5, paragraph 1 (a))

10. Does your country's legislation criminalize the **manufacturing or assembly** of firearms, their parts and components or ammunition **from parts and components illicitly trafficked** (art. 5, para. 1 (a), in conjunction with art. 3, subpara. (d) (i))?

Yes Yes, in part No

(a) If the answer is no, please explain.

(b) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples including recent cases or judgments of successful implementation and enforcement of this offence.

11. Does your country's legislation criminalize the **manufacturing or assembly** of firearms, their parts and components or ammunition **without a licence or authorization from a competent national authority** (art. 5, para. 1 (a), in conjunction with art. 3, subpara. (d) (ii))?

Yes Yes, in part No

(a) If the answer is no, please explain.

- (b) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples including recent cases or judgments of successful implementation and enforcement of this offence.

12. Does your country's legislation criminalize the **manufacturing or assembly** of firearms, **without marking them** at the time of manufacture or with markings that do not meet the requirements of article 8 of the Protocol (art. 5, para. 1 (a), in conjunction with art. 3, subpara. (d) (iii), and art. 8, para. 1 (a))?

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples including recent cases or judgments of successful implementation and enforcement of this offence.

B. Criminalization of illicit trafficking (article 5, paragraph 1 (b))

13. Does your country's legislation criminalize the **import, export, acquisition, sale, delivery, movement or transfer** of firearms, their parts and components or ammunition from or across the territory of one State to that of another State, **without valid licence or authorization for the transfer of the items** in question (art. 5, para. 1 (b), in conjunction with arts. 3, subpara. (e), and 10)?

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples including recent cases or judgments of successful implementation and enforcement of this offence.

14. Does your country's legislation criminalize the **import, export, acquisition, sale, delivery, movement or transfer** of firearms from or across the territory of one State to that of another State if these **have not been** appropriately **marked** (art. 5, para. 1 (b), in conjunction with arts. 3, subpara. (e), and 8)?

Yes Yes, in part No

(a) If the answer is no, please explain.

(b) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples including recent cases or judgments of successful implementation and enforcement of this offence.

15. Does the offence(s) of illicit trafficking established under your domestic legislation **require a cross-border movement** of the items **from or across the territory of one State to that of another** to qualify as illicit trafficking under your domestic law (art. 5, para. 1 (b), in conjunction with arts. 3, subpara. (e))?

Yes No

(a) If your answer is no, please explain and cite the applicable law(s) and/or other measure(s), including the applicable sanctions for the offence of **domestic trafficking**.

(b) Please provide examples, recent cases and judgments of successful implementation and enforcement of this offence.

C. Criminal offences related to the marking of firearms (article 5, paragraph 1 (c))

16. Does your country's legislation criminalize the act of **falsifying or illicitly obliterating, removing or altering the marking(s)** on firearms (art. 5, para. 1 (c), in conjunction with art. 8)?

Yes Yes, in part No

(a) If the answer is no, please explain.

(b) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples including recent cases or judgments of successful implementation and enforcement of this offence.

D. Ancillary offences (article 5, paragraph 2 (a) and (b))

17. Does your country's legislation criminalize the following ancillary offences:

- (a) **Attempt to commit any of the offences** referred to in questions 11, 12, 13, 14, 15 and 16 above (art. 5, para. 2 (a))?

Yes Yes, in part No

- (i) If the answer is yes or yes, in part, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions, and provide examples, including recent cases or judgments of the successful implementation and enforcement of this offence.

- (b) **Participating as an accomplice** in the offences referred to in questions 11, 12, 13, 14, 15, 16 and 17 above (art. 5, para. 2 (a))?

Yes Yes, in part No

- (i) If the answer is yes or yes, in part, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions, and provide examples, recent cases, and judgments of the successful implementation and enforcement of this offence.

- (c) Are **organizing, directing, aiding, abetting, facilitating or counselling** the commission of the offences referred to in questions 10, 11, 12, 13, 14, 15, and 16 above criminalized under your domestic legislation (art. 5, para. 2 (b))?

Yes Yes, in part No

- (i) If the answer is yes or yes, in part, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions, and provide examples, recent cases and judgments of their successful implementation and enforcement.

E. Other criminal offences related to firearms*

18. Bearing in mind that article 34, paragraph 3, of the United Nations Convention against Transnational Organized Crime, in conjunction with article 1, paragraph 2, of the Firearms Protocol, authorizes States parties to the Protocol to adopt more strict or severe measures than those provided for in the Protocol, does your domestic legislation criminalize any of the following conducts:

- (a) Acts related to the **failure to keep records** of firearms and, where appropriate and feasible, their parts and components and ammunition, and the **falsification and destruction** of such records (see art. 7 of the Protocol)?

Yes Yes, in part No

- (i) If the answer is yes or yes, in part, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples, including recent cases or judgments, of its successful implementation and enforcement.
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-

- (b) Acts of **giving false or misleading information** likely to unduly influence the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or their export, import or transit?

Yes Yes, in part No

- (i) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples, including recent cases or judgments, of its successful implementation and enforcement.
-
-
-

- (c) Acts related to the falsification or misuse of documents for the purpose of achieving the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or their export, import or transit?

Yes Yes, in part No

- (i) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples, including recent cases or judgments, of its successful implementation and enforcement.
-
-
-

- (d) Acts of possession or use of fraudulent licences in relation to the manufacture or assembly of firearms, their parts and components or ammunition or their export, import or transit?

Yes Yes, in part No

- (i) Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples, including recent cases or judgments, of its successful implementation and enforcement.
-
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-

- (e) Illicit **reactivation of deactivated firearms**, including the **attempt to reactivate them** (see art. 9)?

Yes Yes, in part No

- (i) If the answer is yes or yes, in part, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples, including recent cases or judgments, of its successful implementation and enforcement.

- (f) **Illicit brokering** of firearms, their parts and components or ammunition and failure to provide required information about brokerage activities (see art. 15)?

Yes Yes, in part No

- (i) If the answer is yes or yes, in part, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence, and provide examples, including recent cases or judgments, of its successful implementation and enforcement.

- (g) Other? Please specify.

F. Offences under the Convention applied to firearm-specific cases

19. Does your country's legislation on **organized crime/participation in an organized criminal group** apply to the offences referred to in questions 10, 11, 12, 13, 14, 15 and 16 above (art. 5 of the Protocol in conjunction with art. 5, para. 3, of the Convention)?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please cite the relevant law(s) and measures and provide examples or cases of successful implementation/enforcement of those offence(s) in relation to the above-mentioned firearms offences. If possible, refer to most recent or significant cases and attach judgments.

20. Does your country's legislation consider any of the offences referred to in questions 10, 11, 12, 13, 14, 15 and 16 above as predicate offences for the offence of **money-laundering** (art. 5 of the Protocol in conjunction with art. 6, para. 2, of the Convention)?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please cite the relevant law(s) and measures and provide examples or cases of successful implementation / enforcement of those offence(s) in relation to the above-mentioned firearms offences. If possible, refer to the most recent or significant cases and attach judgments.

IV. Preventive measures

A. Manufacturing

21. Does your country **manufacture**:

- | | |
|--|---|
| <input type="checkbox"/> Firearms (industrially) | <input type="checkbox"/> Firearms (craft) |
| <input type="checkbox"/> Parts and components (industrially) | <input type="checkbox"/> Parts and components (craft) |
| <input type="checkbox"/> Ammunition (industrially) | <input type="checkbox"/> Ammunition (craft) |

- (a) Please provide further details.

22. Does your domestic legislation require manufacturers to hold a licence or other authorization to manufacture firearms, their parts and components and ammunition (art. 5, para. 1 (a) and art. 3, subpara. (d))?

- Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) If the answer is yes or yes, in part, please provide details on conditions, legal requirements and process established for obtaining such licences or authorizations, as well as the duration and conditions for suspension or revocation of the licence.

- (c) Please provide information on the amount and nature of the licences to manufacture firearms, their parts and components and ammunition that exist at the time of the review in your country, as appropriate.

- (d) Does your country's domestic legislation contain a legal definition and/or regulation for **convertible firearms**,² **craft arms** or **similar concepts**?*

Yes No

- (i) If the answer is yes, please cite the applicable law(s) or regulation(s), and provide examples on its implementation.

23. Does your country's domestic legislation allow to address **new and emerging forms of illicit manufacturing** such as through the use of 3D printers, or similar?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please explain and cite the applicable law(s) or regulation(s), and provide examples of its implementation.

B. Record-keeping (article 7)

24. Has your country established a **system to record and maintain information** in relation to firearms, their parts and components and ammunition?

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) If the answer is yes or yes, in part, please cite the applicable policy or policies, law(s) and/or other measure(s) in place.

- (c) Please describe your national record-keeping system. Please explain if the system is centralized or divided among different institutions; digitalized or kept manually; indicate the competent authority(ies) and the minimum duration for the information to be maintained.

² A convertible weapon is a device capable of being converted to expel a shot, bullet or projectile which has the appearance of a firearm, and, as a result of its construction or the material from which it is made, it can be so converted. Explanation: these weapons primarily include short barrelled weapons (firearms such as pistols and revolvers) built to fire irritant gas ammunition and blank-firing weapons variously referred to as signal, starting and alarm guns as well as some partially deactivated firearms used as props, for example in film production. Another example are air guns, which can be converted to fire cartridges.

(d) Please specify if the **records provide for the following information** (art. 7 (a) and (b), and art. 15, para. 1 (c)).

- Markings of firearms
- Issuance and expiration date of transfer licence or authorization
- Countries involved in a transfer (export, import, transit countries)
- Final recipient of transferred items
- Name and location of brokers involved in the transaction
- Description and quantity of transferred items
- Other, please specify below

C. Marking (article 8)

25. Does your country require the unique **marking of firearms at the time of manufacturing** in accordance with article 8, paragraph 1(a)?

- Yes Yes, in part No

(a) If the answer is no, please explain.

(b) If the answer is yes or yes, in part, please cite the applicable policy or policies, law(s) and/or other measure(s).

(c) Please specify if the marking applied in your country provide for the following information:

- Name of manufacturer
- Country or place of manufacture
- Serial number
- Simple geometric symbols in combination with numeric or alphanumeric codes
- Other (please specify)

(d) Please describe the **method(s) and criteria applied for marking, and which part(s) of the firearms have to be marked**. Please provide examples and pictures.

- (e) Please describe your experience, lessons learned and examples of implementation of this provision.

26. Does your country's legislation require the **marking of firearms at time of import** (art. 8, para. (b))?

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) If the answer is yes or yes, in part, please specify if the import markings applied in your country provide for the following information:

- Country of import
 Year of import
 Unique marking (if the firearm does not already bear such marking)
 Other (please specify)

- (c) Is import marking also required for **temporarily imported** firearms?

Yes No

- (i) If the answer is yes or yes, in part, please cite the applicable policy or policies, law(s) and/or other measure(s) and provide details of the marking applied for imported firearms. Please describe also your experience, lessons learned and examples of successful implementation of this provision.

27. Does your country's legislation require the **marking of firearms** that are **transferred from government stocks into permanent civilian use** (art. 8, para. 1 (c))?

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) If the answer is yes or yes, in part, please cite the applicable policy or policies, law(s) and/or other measure(s).

- (c) Please provide details on the marking applied for firearms that are transferred into permanent civilian use. Please describe also your experience, lessons learned and examples of successful implementation of this provision.

28. Has your country worked with the manufacturing industry to develop **measures against the removal or alteration of firearm marking** (art. 8, para. 2)?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please describe those measure(s) and provide examples of their implementation.

29. Bearing in mind article 34, paragraph 3, of the Organized Crime Convention, please indicate whether your national legislation stipulates more strict or severe measures with regard to marking, such as:*

- Requirement to apply additional markings (e.g. security markings, proof marks)
- Requirement to mark parts and components
- Requirement to mark ammunition

- (a) Please specify if the offences referred to in questions 12, 14 and 16 also apply to the above cases (art. 34, para. 3, of the Organized Crime Convention, and art. 1, para. 2, of the Protocol)?

Yes Yes, in part No

- (b) If the answer is yes or yes, in part, please provide details and, where possible, cite the applicable policy or policies, law(s) and provide examples, including cases and judgments, of its successful implementation.

D. Deactivation of firearms (article 9)

30. Does your country’s legislation **regulate the deactivation** of firearms?

Yes No

- (a) If the answer is no, please explain.

- (b) If the answer is yes, please indicate if your legislation recognizes deactivated firearms as firearms, and please describe the applicable legal regime.

31. Does your country's legislation require that deactivated firearms be rendered **permanently inoperable**?

Yes No

- (a) If the answer is yes, please describe the specific measures and criteria adopted by your country to regulate the deactivation of firearms and to prevent their illicit reactivation.

- (b) Please cite the applicable policy or policies, law(s) and/or other measure(s), and provide examples of the successful implementation of those measure(s).

32. Does your country require a **verification** of the deactivation process by a competent authority (art. 9, subpara. (b))?

Yes No

- (a) If the answer is yes, please cite the applicable policy or policies, law(s) and/or other measure(s).

- (b) Please describe the verification process and identify the responsible competent authority. Please provide examples of the successful implementation of this provision and attach an example of the certificate or record issued by the competent authority upon successful verification of the deactivation (art. 9, subpara. (c)).

E. Disposal and destruction of confiscated and other items (article 6, paragraph 2)

33. Has your country adopted policy(ies) or measures for the disposal of confiscated and other (e.g. obsolete, recovered, collected) firearms, parts and components and ammunition?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please describe and cite the applicable policy(ies), law(s) and/or other measure(s) in place with regard to the disposal of such items, and provide examples of their concrete application.

- (b) Does your country destroy confiscated firearms, their parts and components and ammunition (art. 6, para. 2)?

Yes Yes, in part No

(c) If the answer is no, please explain.

34. Please indicate the **destruction method(s)** applied by your country:

- Burning Cement Cutting
 Deep sea dumping Detonation Shredding
 Smelting and recycling Other

(a) Does your country keep records of the destroyed firearms, parts and components and ammunition?

Yes Yes, in part No

(b) If the answer is yes or yes, in part, please provide information on the number and type of firearms, parts and components and ammunition that have been destroyed in the last three years and by which method. Please provide figures for each year.

(c) If your country does not destroy seized and confiscated firearms, parts and components and ammunition, please specify what other method(s) of disposal are authorized, and their legal requirement(s).

- Assigned to national institution(s) (e.g. police forces, customs, military, etc.)
 Assigned to public official(s) that are allowed under national legislation to carry a firearm for their personal security
 Sale, donation or transfer to another country
 Sale or transfer for permanent civilian use
 Other

(d) Is the application of other disposal methods for confiscated firearms subject to any of the below requirements? (art. 6, para. 2)

- Authorization** by a competent authority
 Marking of the confiscated firearms
 Recording of the authorization, the marking and the disposal method

(e) Please provide examples of the successful implementation of these measure(s), including where possible pictures of the marking applied to those firearms.

F. Import, export and transit controls (article 10)

35. Has your country established or maintained an **effective system of export and import licensing or authorization**, as well as of **measures on international transit**, for the transfer of firearms, their parts and components and ammunition (art. 10, para. 1)?

Yes Yes, in part No

(a) If the answer is no, please explain.

(b) If the answer is yes or yes, in part, please describe your transfer control system and the requirements in place for the issuance of the import or export licence or authorization, and for the transit authorization.

(c) Please cite the applicable policy or policies, law(s) and/or other measure(s) and provide examples of the effectiveness, experience and lessons learned with the transfer control system in place in your country.

36. Does the transfer control system of your country comply with the following requirements?

- Before issuing an export licence, verification that the importing State has issued an import licence or authorization (art. 10, para. 2 (a))
- Before issuing an export licence, verification that the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit (art. 10, para. 2 (b))

(a) If one of the boxes does not apply, please explain.

(b) Please cite the applicable policy or policies, law(s) and/or other measure(s).

37. Does the import or export licence or authorization, include, at a minimum, the following type of information (art. 10, para. 3)?

- | | |
|--|--|
| <input type="checkbox"/> Place and date of issuance | <input type="checkbox"/> Date of expiration |
| <input type="checkbox"/> Country of export | <input type="checkbox"/> Country of import |
| <input type="checkbox"/> Country of transit (if applicable) | <input type="checkbox"/> Name and location of involved brokers (art. 15) * |
| <input type="checkbox"/> Final recipient | <input type="checkbox"/> Description of the items |
| <input type="checkbox"/> Quantity of firearms, their parts and components and ammunition | |

*Other (please specify)

38. Has your country adopted any of the below listed measures to ensure the security of the licensing or authorization procedures and the authenticity of the licensing or authorization documentation (art. 10, paras. 4 and 5)?

- Requirement for importing countries to inform your country of the receipt of the dispatched shipment (art. 10, para. 4)
- Use of end-use certificates or other means of verification to ensure the security of its transfers*

(a) If no, please explain.

(b) Please cite the applicable policy or policies, law(s) and/or other measure(s) and provide examples of the successful implementation of such measures.

39. Does your country's legislation provide for **simplified procedures for the temporary import and export and the transit** of firearms, their parts and components and ammunition for verifiable lawful purposes (art. 10, para. 6)*

Yes Yes, in part No

(a) If the answer is no, please explain.

(b) If the answer is yes or yes, in part, please specify which of the following are considered by your national legislation **verifiable lawful purposes**.

- | | | |
|-------------------------------------|--|----------------------------------|
| <input type="checkbox"/> Hunting | <input type="checkbox"/> Sports shooting | <input type="checkbox"/> Repairs |
| <input type="checkbox"/> Evaluation | <input type="checkbox"/> Exhibitions | <input type="checkbox"/> Other |

(c) Please cite the applicable policy or policies, law(s) and/or other measure(s).

(d) Provide examples of the implementation of simplified procedures in your country.

G. Security and safety measures (article 11 (a))

40. Has your country taken **measure(s) to require the security and safety of firearms, their parts and components and ammunition** at the time of manufacture, import, export and transit through its territory (art. 11, para. (a), of the Protocol)?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please describe the most relevant and successful measures taken with regard to the security and safety of those items **at the time of manufacture**.

- (b) Please describe the most relevant and successful measures taken with regard to the security and safety of those items **at the time of import, export or transit**.

- (c) Please list and describe measures and good practices adopted by your country in the area of **stockpile security and safety** of firearms, parts and components and ammunition held by the State.

- (d) Please cite and attach the related norms and policies.

H. Information on brokers and brokering activities (article 15, paragraph 1 (a)-(c))*

41. Has your country established or considered establishing measures or a system for regulating the activities of those who engage in brokering activities (art. 15)?

Yes No

- (a) If the answer is no, please explain.

- (b) If the answer is yes, please explain if such system includes:

- (i) The registration of brokers operating within their territory.

Yes Yes, in part No

- (ii) The licensing or authorization of brokering.

Yes Yes, in part No

- (iii) The disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

Yes Yes, in part No

(c) If the answer to any of these points is yes, in part, or no, please explain.

(d) Please cite the applicable policy or policies, law(s) and/or other measure(s).

(e) Please provide examples of the successful implementation of measures adopted to comply with this provision and related court or other cases, including examples of any investigation or prosecution or convictions/acquittals related to the implementation of this article.

(f) Please highlight one or more practices that you consider to be good practices in the implementation of broker control regimes, and which might be interesting also to other States to implement the Protocol.

42. If your country has established a system of authorization of brokers, is the information on brokers included:

(a) In the national registries on firearms in accordance with article 7 of the Protocol (art. 15, para. 2)?

Yes Yes, in part No

(b) As part of the exchange of information established under article 12 of the Protocol (art. 15, para. 2)?

Yes Yes, in part No

(i) If the answer to (a) or (b) is yes, in part, or no, please explain.

(ii) Please cite the applicable policy or policies, law(s) and/or other measure(s).

(iii) Please provide examples of successful implementation of measures adopted, related court or other cases, including examples of investigations, prosecutions or convictions/acquittals related to the implementation of this article.

V. Other preventive measures, including application of Convention provisions on prevention of firearms cases (articles 31 and 34 of the Organized Crime Convention)*

43. Does your country implement any other measure or programme(s) to prevent the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

- Adoption of more strict or severe measures than those provided for by the Protocol (art. 34 (3) of the Organized Crime Convention)
- Evaluation of national projects (art. 31 (1) of the Convention)
- Establishment and promotion of best practices and policies (art. 31 (1) of the Convention)
- Periodic evaluation of legal instruments and administrative practices, policy(ies), action plans and other measures relating to firearms control, with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31 (4) of the Convention)
- Promotion of public awareness regarding the existence, causes and gravity of and the threat posed by illicit manufacturing of and trafficking in firearms (art. 31 (5) of the Convention)
- Arms collection or voluntary surrender/buy-back campaigns
- Public destruction of obsolete, collected and/or confiscated weapons
- Conducting firearms surveys.
- Collecting, exchanging and analysing data and information on the nature of organized crime and of illicit trafficking flows, their routes and patterns (art. 28 of the Convention)
- Other measure (please specify)

44. If you have selected one or more of the above, please describe the concrete measure(s) taken and cite the applicable policy/policies or law(s), and provide examples of their successful implementation.

(a) Please assess the effectiveness and efficiency of these measures.

A. Training and technical assistance (article 14 of the Protocol)

45. Does your country cooperate with other countries and international organizations so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

Yes No

(a) Please describe the type of assistance that you provide and to whom.

VI. Law enforcement including border control, and other criminal justice measures (article 11 (b) of the Protocol, and articles 19, 20, 24 and 26 of the Organized Crime Convention)

A. Confiscation and seizure (article 6, paragraphs 1 and 2)

46. Does your country's legislation **enable the confiscation** of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked (art. 6, para. 1)?

Yes No

(a) If the answer is no, please explain.

(b) If the answer is yes, please cite the applicable policy or policies, law(s) and/or other measure(s).

(c) Please provide details on the number and type of cases of confiscation, and on the amount and type of material that were confiscated in the past three years. Please provide figures for each year.

47. Does your country's legislation enable the **seizure** of firearms, their parts and components and ammunition suspected of being illicitly manufactured and trafficked (art. 6, para. 2)?

Yes No

(a) If the answer is no, please explain.

(b) If the answer is yes, please cite and attach the applicable policy or policies, law(s) and/or other measure(s). Please provide details on the number and type of cases, and on the amount and type of material that were seized in the past three years. Please provide figures for each year.

(c) Does your country maintain **records** of seized firearms, parts and components and ammunition?

Yes Yes, in part No

(i) If the answer is no, please explain.

- (ii) If the answer is yes or yes, in part, please explain if these are data kept centrally, by which authority(ies), and what type of information is kept.

B. Measures to increase the effectiveness of transfer and border controls (article 11 (b))

48. Has your country adopted any **measure(s) or standard operating procedure(s) to increase the effectiveness of import, export and transit controls, including, on border control and/or cross-border cooperation** to prevent and combat illicit firearms manufacturing and trafficking offences (see also art. 11 (b)).

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) If the answer is yes or yes, in part, please provide further information and attach, where possible, the procedures and other measures, provide examples of their successful implementation and assess the effectiveness.

C. Other criminal justice and law enforcement provisions applied to firearm-specific cases (articles 20 and 26 of the Organized Crime Convention)

49. Does your country's legislation provide for the use of **special investigative techniques** to investigate illicit manufacturing of and/or illicit trafficking in firearms, their parts and components and ammunition (art. 20 of the Convention)?

Yes No

- (a) Please provide details on the investigative techniques applied and provide examples of their successful implementation.

50. Does your country's legislation provide for **measures to enhance cooperation with law enforcement authorities**, such as the potential mitigation of punishment of or the granting of immunity to an accused person who provides substantial cooperation, in cases of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (art. 26 of the Convention)?

Yes No

- (a) If the answer is yes, please provide details on the measures and provide examples of their implementation.

VII. Information exchange, coordination and international cooperation

A. Information exchange (article 12, paragraphs 1 and 2, of the Protocol and article 28 of the Organized Crime Convention)

51. Has your country adopted measure(s) to promote the information exchange with other States to implement the provisions set forth in article 12 of the Protocol?

Yes Yes, in part No

(a) If the answer is no, please explain.

(b) If the answer is yes or yes, in part, please list and describe the most relevant and successful measures and good practices adopted by your country to support **the information exchange** with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

(c) Please cite the applicable policy or policies, law(s), arrangements and/or other measure(s). Please describe your experience, lessons learned and provide some examples of successful implementation of effective information-exchange practices.

52. Does your country **collect, analyse and share periodically information on trends and patterns in organized crime and in firearms trafficking** with other countries and organizations (art. 28 of the Convention)?

Yes Yes, in part No

(a) If the answer is yes or yes, in part, please describe the measures and provide examples and cases of their successful implementation.

B. Cooperation and coordination on firearms (article 13)

53. Has your country adopted measure(s) or entered into any arrangement for **bilateral, regional and international cooperation** to prevent, combat and eradicate the illicit manufacture and trafficking in firearms, their parts and components and ammunition?

Yes No

(a) If the answer is no, please explain.

- (b) If the answer is yes, please describe those measures and arrangements, and cite the applicable policy or policies, law(s) and/or other measure(s).

54. Has your country identified a **national body or a single point of contact** to act as liaison between it and other States Parties on matters relating to this Protocol (art. 13, para. 2)?

Yes No

- (a) If the answer is no, please explain.

- (b) Please provide the name and functions of the designated national body or point of contact.

- (c) Other than the cooperation against the removal of firearms marking envisaged in article 8, paragraph 2, has your country established or sought other forms of support and **cooperation with the private sector** (e.g. manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition) to prevent and detect the illicit activities (art. 13, para. 3)?

Yes No

- (d) If the answer is yes, please describe the type of cooperation that your country has established with any of the actors mentioned above, and cite the applicable policy or policies, law(s) and/or other measure(s) in force.

C. Cooperation in tracing (article 12, paragraphs 3 and 4 of the Protocol)

55. Does your country routinely record and **check against national and international records** firearms, their parts and components and ammunition that have been seized, found or recovered, and that are suspected or may have been illicitly manufactured or trafficked?*

Yes Yes, in part No

- (a) If the answer is no, please explain.

- (b) If the answer is yes or yes, in part, please cite the **applicable policy(ies), law(s)** and/or other measure(s).

- (c) Please indicate the **competent authority(ies)** and the **legal requirements** and procedure(s) that apply in your country for domestic and international tracing.*

- (d) Does your country maintain **records of the incoming and outgoing tracing requests** and of the firearms and other items that have been traced?*

- (e) Please provide **examples of successful tracing**, and describe lessons learned, challenges and the effectiveness of your domestic and international tracing practices.

- (f) Please provide information on the **number and type of traced firearms**, their parts and components and ammunition in your own country, and in another country, in the past three years. If available, please provide figures for each year.

56. Has your country adopted measure(s) and arrangements to enable it to receive and send requests for **international cooperation for the purpose of locating or tracing** firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked (art. 18, para. 3 (g), of the Convention and art. 14, para. 4, of the Protocol)?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please cite and describe the applicable policy(ies), law(s) and/or other measure(s) adopted to provide for such cooperation.

- (b) How many requests for assistance for the purpose of locating and tracing of firearms, parts and components and ammunition has your country received in the past three years, and how many requests has your country submitted to other countries in the past three years?

- (c) With which country(ies) has your country had most active or passive tracing cooperation over the past five years. Please describe also the channels of cooperation utilized.

D. International cooperation in criminal matters (articles 16, 18, 19 and 27 of the Organized Crime Convention)

57. Has your country concluded **bilateral or multilateral agreements or arrangements** to allow the competent authority(ies) to establish **joint investigative bodies** in relation to matters of illicit manufacturing of and/or trafficking in firearms, their parts and components and ammunition that are the subject of investigations, prosecutions or judicial proceedings in one or more States (art. 19 of the Convention)?

Yes No

- (a) If the answer is yes, please elaborate further on the agreement(s) and provide examples of their implementation, and cite also the applicable policy/policies or law(s).

58. Does your country's legislation provide for measures to encourage close **law enforcement cooperation** on matters of illicit manufacturing of and/or trafficking in firearms, their parts and components and ammunition (art. 27 of the Convention)?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please describe those measures and cite the applicable policy/policies or law(s).

- (b) Has your country entered into any bilateral or multilateral agreement on direct cooperation between their law enforcement agencies for the purpose of investigating cases of illicit manufacturing of and/or trafficking in firearms, their parts and components and ammunition? Please explain further and provide examples of its application.

59. Does your country's legislation allow to consider the offences covered by the Protocol as **extraditable offences** in conformity with article 16 of the Convention?

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please cite the applicable policy(ies), law(s) and/or other measure(s) and provide information and practical examples on cases of **extradition** related to any of the Protocol offences (art. 16 of the Convention and art. 1, para. (3) and art. 5 of the Protocol). Where available, please attach relevant cases, decisions and judgments.

60. Does your country's legislation apply the **mutual legal assistance provisions contained in the Convention** to the offences covered by the Protocol (art. 18 of the Convention in conjunction with art. 1, para. (3) and art. 5 of the Protocol).

Yes Yes, in part No

- (a) If the answer is yes or yes, in part, please cite the applicable policy or policies, law(s) and/or other measure(s) and provide information and

practical examples on cases of **mutual legal assistance** related to any of the Protocol offences (art. 18 of the Convention and art. 1, para. (3) and art. 5 of the Protocol).

VIII. Difficulties encountered and assistance required

61. Please describe challenges by your country in the implementation of the Firearms Protocol provisions.

(a) If domestic legislation has not been adapted to the Protocol's requirements, what steps remain to be taken? Please specify.

(b) Are there any difficulties with regard to the adoption of adequate national legislation?

Yes No

(c) Does any of the below apply?

- Need for institutional reforms/establishment of new institutions
 - Problems with the formulation of legislation
 - Need for further implementing legislation (laws, regulations, decrees, etc.)
 - Reluctance of practitioners to use legislation
 - Lack of awareness
 - Lack of inter-agency coordination
 - Lack of technical knowledge and skills
 - Limited or no cooperation from other States
 - Limited resources for implementation (please specify)
 - Other issues (please specify)
-
-
-

62. Does your country require technical assistance to implement the Protocol?

Yes No

(a) If yes, please specify.

(b) Please indicate in which areas technical assistance is needed:

- | | |
|--|---|
| <input type="checkbox"/> Legislative reforms/regulations | <input type="checkbox"/> Establishment of competent authorities |
| <input type="checkbox"/> Marking and record-keeping | <input type="checkbox"/> Identification and tracing |
| <input type="checkbox"/> Transfer controls | <input type="checkbox"/> Collection campaigns |
| <input type="checkbox"/> Deactivation and destruction | <input type="checkbox"/> Stockpile management |

- | | |
|---|---|
| <input type="checkbox"/> Border control and risk assessment | <input type="checkbox"/> Investigation and prosecution |
| <input type="checkbox"/> Information exchange | <input type="checkbox"/> Regional and international cooperation |
| <input type="checkbox"/> Collection and analysis of firearms trafficking data | |
| <input type="checkbox"/> Other | |

Please refer to the specific provisions of the Protocol when providing information.

(c) Please indicate the type of assistance required to implement the Protocol.

- Legal advice/legislative drafting support
- Model legislation/regulation(s)/agreement(s)
- Development of strategies/policies, action plans
- Good practices/lessons learned
- Capacity-building through the training of practitioners and/or the training of trainers
- Capacity-building through awareness-raising among judiciary and other criminal justice practitioners
- On-site assistance by a relevant expert
- Institution-building/strengthening
- Prevention/awareness-raising
- Technological assistance and equipment (please be specific)
- Development of software and establishment of database(s)
- Measures to enhance regional and international cooperation
- Specialized tools such as e-learning modules, manuals, guidelines and standard operating procedures
- Other (please specify)

(d) Are you already receiving technical assistance in these areas? Please specify the area of assistance and who is providing it.

IX. Other information

63. Please describe **practices** in your country, that you consider to be good practices in relation to firearms control, and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be interesting to other States in their efforts to implement the Firearms Protocol.

- (a) Please provide any other information you believe is important to consider regarding aspects of or difficulties in implementing the Protocol other than those mentioned above.

Thank you!

Country: _____

Date on which the questionnaire was received:
_____/_____/_____
(day/month/year)

The official(s) responsible for responding to the questionnaire is (are):

Ms./Mr. _____

Title and/or position: _____

Agency and/or office: _____

Mailing address: _____

Telephone number: _____

Telefax number: _____

E-mail address: _____