



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

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**Review of the implementation of the United Nations
Convention against Transnational Organized Crime**

**Review of the implementation of the Protocol to Prevent,
Suppress and Punish Trafficking in Persons, Especially
Women and Children, supplementing the United Nations
Convention against Transnational Organized Crime**

**Review of the implementation of the Protocol against the
Smuggling of Migrants by Land, Sea and Air,
supplementing the United Nations Convention against
Transnational Organized Crime**

**Review of the implementation of the Protocol against the
Illicit Manufacturing of and Trafficking in Firearms,
Their Parts and Components and Ammunition,
supplementing the United Nations Convention against
Transnational Organized Crime**

**Implementation of the United Nations Convention against
Transnational Organized Crime, the Protocol to Prevent,
Suppress and Punish Trafficking in Persons, Especially
Women and Children, the Protocol against the Smuggling of
Migrants by Land, Sea and Air and the Protocol against the
Illicit Manufacturing of and Trafficking in Firearms, Their
Parts, Components and Ammunition: figures reflecting
responses received from States for the first and second
reporting cycles**

* CTOC/COP/2006/1.



Note by the Secretariat*

I. Introduction

1. The present document provides figures reflecting responses of States to the questionnaires for the first and second reporting cycles on the implementation of:

(a) The United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I);

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex II);

(c) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex III);

(d) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/255, annex).

2. The information contained in this document supplements the information contained in the following documents:

(a) Analytical report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: updated information based on additional responses received from States for the first reporting cycle (CTOC/COP/2005/2/Rev.1);

(b) Analytical report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: updated information based on additional responses received from States for the first reporting cycle (CTOC/COP/2005/3/Rev.1);

(c) Analytical report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: updated information based on additional responses received from States for the first reporting cycle (CTOC/COP/2005/4/Rev.1);

(d) Analytical report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime: information received from States for the second reporting cycle (CTOC/COP/2006/2);

(e) Analytical report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational

* The submission of this document was delayed pending the consolidation of information received from States and provided in CTOC/COP/2006/CRP.2.

Organized Crime: information received from States for the second reporting cycle (CTOC/COP/2006/6);

(f) Analytical report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: information received from States for the second reporting cycle (CTOC/COP/2006/7);

(g) Analytical report of the Secretariat on the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2006/8);

(h) Report of the Secretariat on the status of responses of States to the questionnaires on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: second reporting cycle (CTOC/COP/2006/13).

3. The figures in this document reflect responses from all reporting States, whether they are States parties, signatories or non-signatories. Details are given in the analytical reports of the Secretariat.

4. This document constitutes a first attempt by the Secretariat to comply with a request made by the Conference of Parties to the United Nations Convention against Transnational Organized Crime at its second session. It is a work in progress, a draft submitted for the purpose of seeking feedback on whether the figures and corresponding information are useful and whether they constitute a correct interpretation of the wishes of the Conference of the Parties.

II. Response rates for the questionnaires for the first and second reporting cycles

5. The response rate for the questionnaires for the first and second reporting cycles are shown in figures 1 and 2, respectively.

Figure 1

Response rate for the questionnaires for the first reporting cycle, by regional group

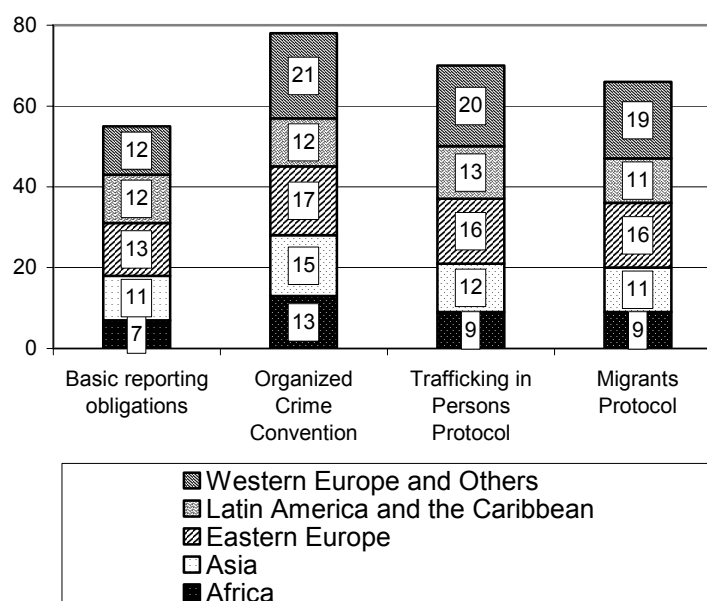
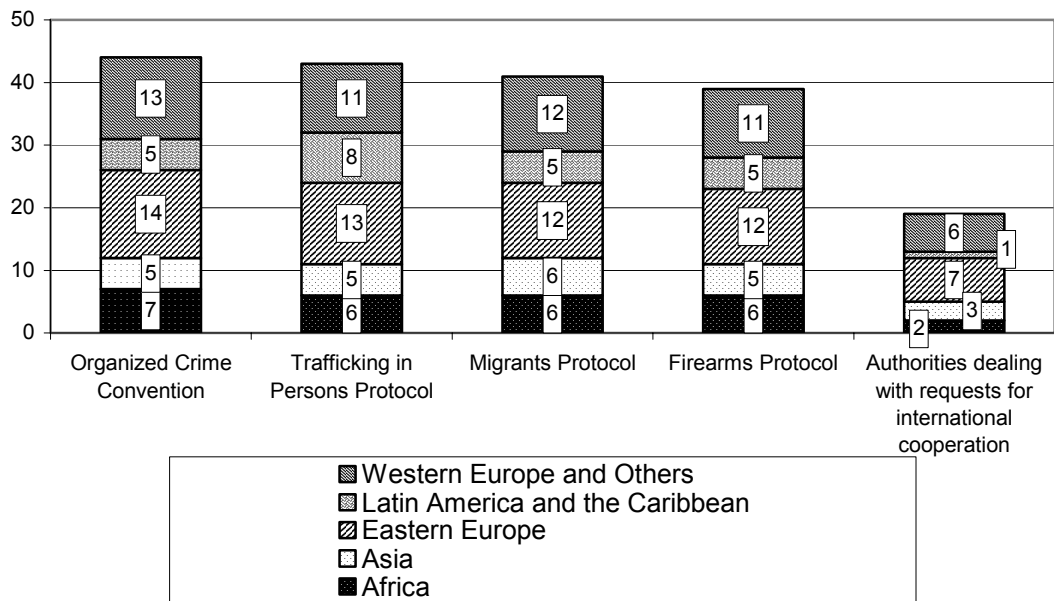


Figure 2
Response rate for the questionnaires for the second reporting cycle, by regional group



III. Responses to the questionnaire on the implementation of the United Nations Convention against Transnational Organized Crime: first reporting cycle

6. In the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention (see CTOC/COP/2005/2/Rev.1), States were asked whether participation in an organized criminal group was criminalized under domestic law. Those States that replied in the affirmative were then asked whether participation in an organized criminal group consisted of:

(a) Agreeing with one or more other persons to commit a serious crime for financial or other benefit (see figure 3); and/or

(b) Taking active part in criminal activities of the organized criminal group with knowledge of either the aim and the general criminal activity of that group or its intention to commit the crimes concerned, as well as taking an active part in the other activities of the organized criminal group in the knowledge that such participation would contribute to the achievement of the criminal aim of that group (see figure 4).

7. Those States whose domestic legislation included the requirement described in paragraph 6 (a) above were then asked whether it additionally required that an act was undertaken by one of the participants in furtherance of the agreement or the involvement of an organized criminal group (see figure 5).

Figure 3

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether participation in an organized criminal group consisted of agreeing with one or more persons to commit a serious crime for financial or other material benefit

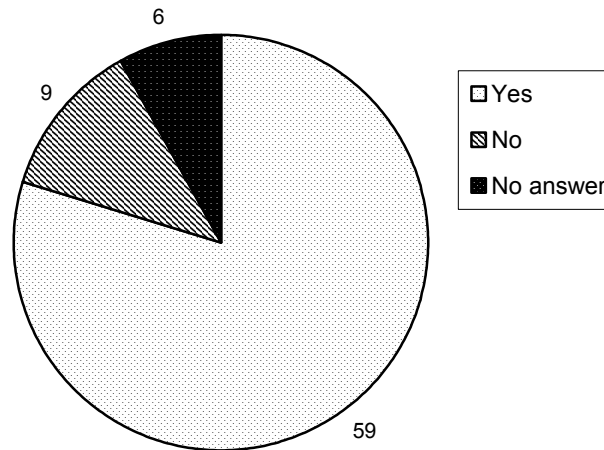


Figure 4

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether participation in an organized criminal group consisted of taking active part in criminal activities of the organized criminal group with knowledge of either the aim and the general criminal activity of that group or its intention to commit the crimes concerned, as well as taking an active part in the other activities of the organized criminal group in the knowledge that such participation would contribute to the achievement of the criminal aim of that group

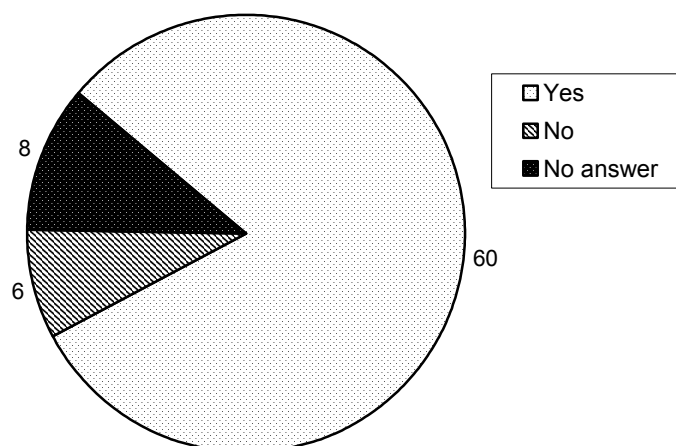
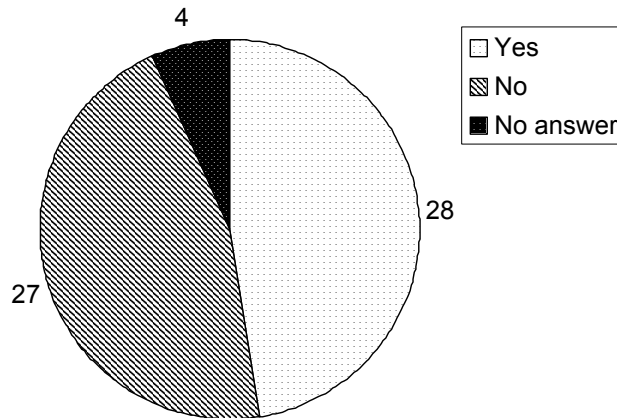


Figure 5

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether domestic legislation criminalizing participation in an organized criminal group required that an act was undertaken by one of the participants in furtherance of the agreement or the involvement of an organized criminal group



8. States were also asked whether the establishment of extraterritorial jurisdiction with respect to the offences covered by the Convention were permitted. Those States that responded to that question in the affirmative were then asked four more questions on the subject (see figure 6).

9. States were asked about the basis for granting extradition (see figure 7). In particular, those States in which extradition was granted on the basis of a statute were asked whether the statute included as extraditable offences all offences covered by the Convention (see figure 8). In addition, States in which the granting of extradition was conditional on the existence of a treaty were asked: whether the Convention was the legal basis for cooperation on extradition with other States parties to the Convention (see figure 9); whether all the offences covered by the Convention were included as extraditable offences in existing treaties on extradition (see figure 10).

10. Each State was also asked whether its domestic legal framework permitted extradition of its nationals to another country. States that did not extradite their nationals were asked whether it was possible: to establish jurisdiction over offences covered by the Convention when those offences were committed by their nationals outside their territory (*aut dedere aut judicare*); and to enforce a sentence imposed to a person sought under the domestic law of a requesting State (see figure 11).

Figure 6

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: questions on jurisdiction

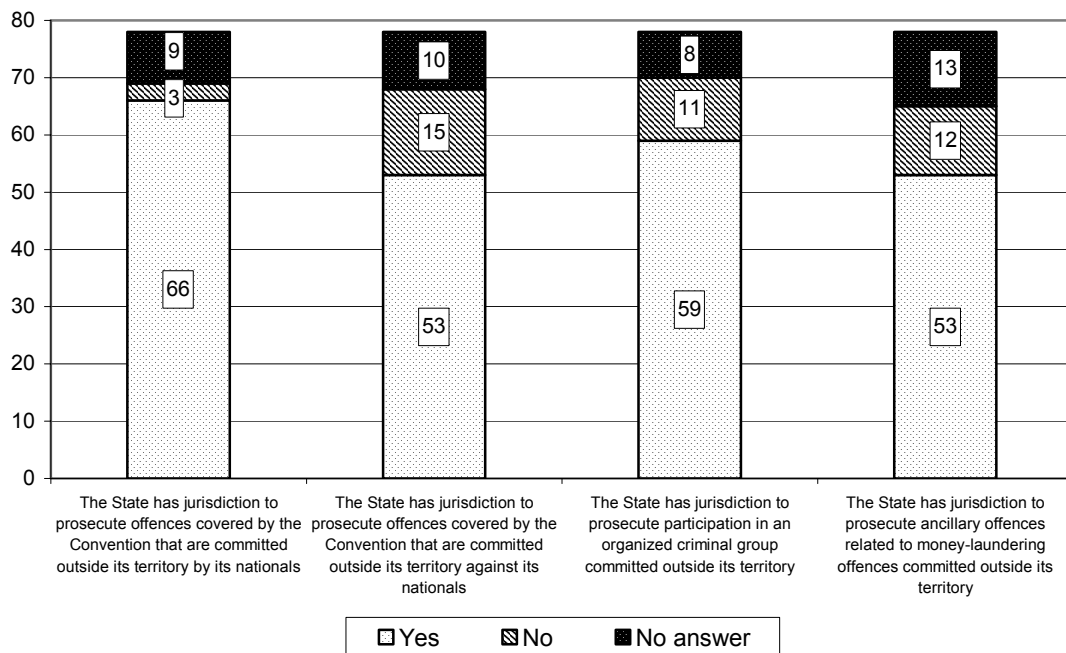


Figure 7

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: questions on the basis for granting extradition

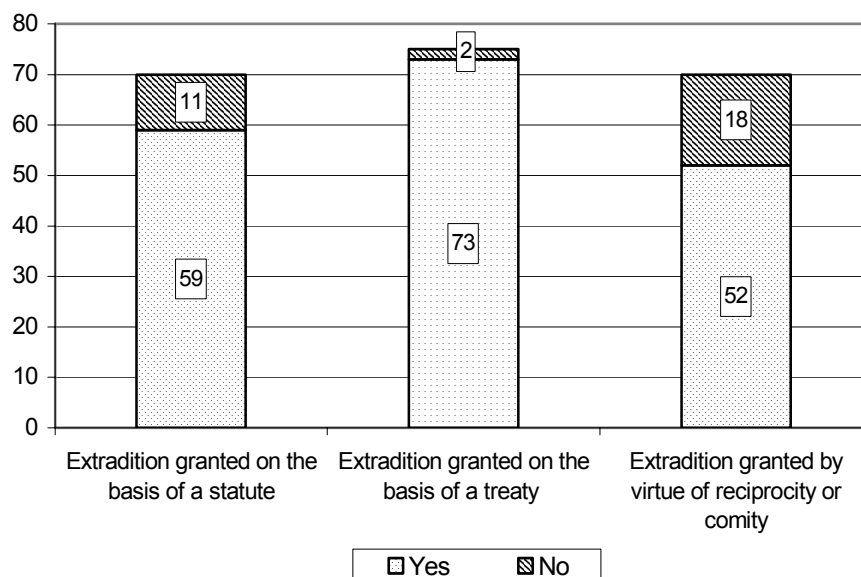


Figure 8
Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether all offences covered by the Convention were included as extraditable offences in the statute on extradition

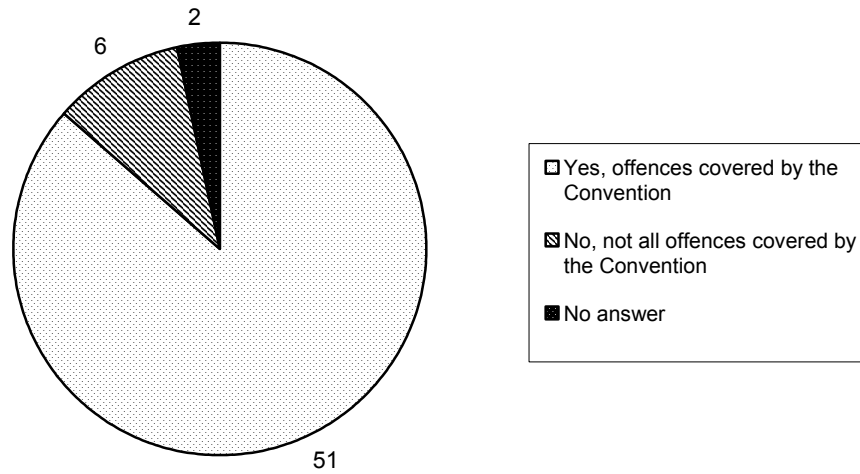


Figure 9
Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether the Convention was the legal basis for cooperation on extradition with other States parties to the Convention

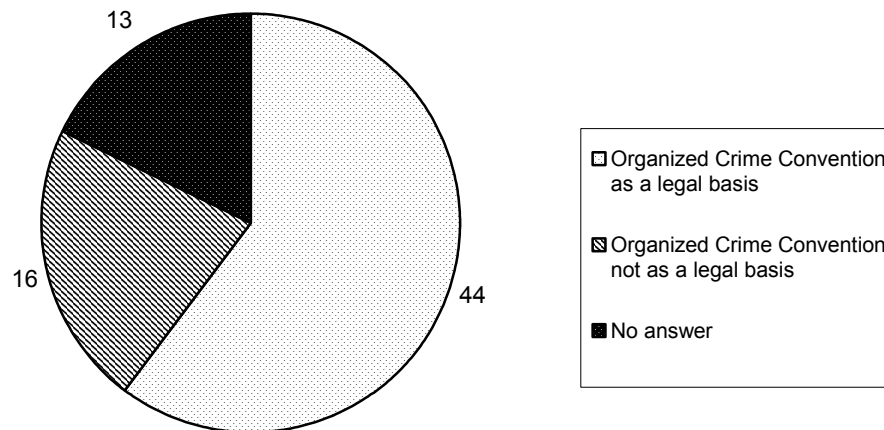


Figure 10

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether all offences covered by the Convention were included as extraditable offences in existing treaties on extradition

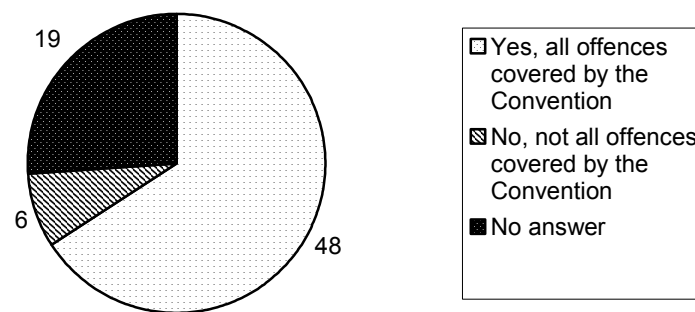
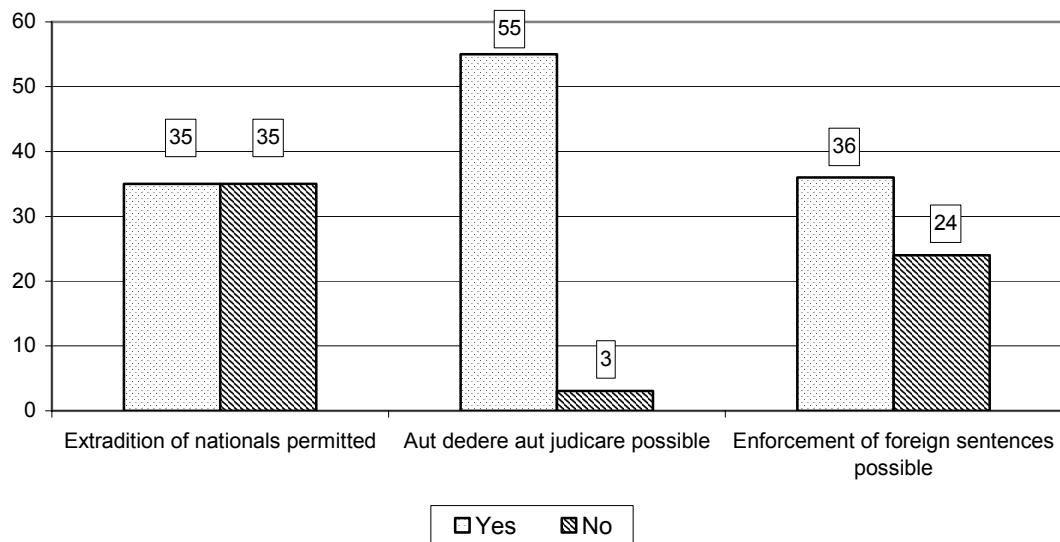


Figure 11

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: questions on the extradition of a State's own nationals to another State, on aut dedere aut judicare and on the enforcement of sentences imposed by other States



11. Each State was asked whether in its territory mutual legal assistance was afforded by means of a statute or a treaty or by virtue of reciprocity or comity (see figure 12).

12. Each State was also asked whether, in its domestic legal framework, the dual criminality requirement had been established for granting requests for extradition and mutual legal assistance (see figure 13).

13. States were asked whether requests from other States parties for the confiscation of proceeds of crime were submitted to the competent authorities for the purpose of obtaining domestic orders of confiscation or for direct enforcement (see figure 14). States were also asked whether requests from other States parties to the Convention for the identification, tracing, freezing seizure of proceeds of crime were submitted for the purpose of obtaining orders of confiscation or for direct enforcement (see figure 15).

Figure 12

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: question on whether mutual legal assistance was afforded on the basis of a statute or a treaty or by virtue of reciprocity or comity

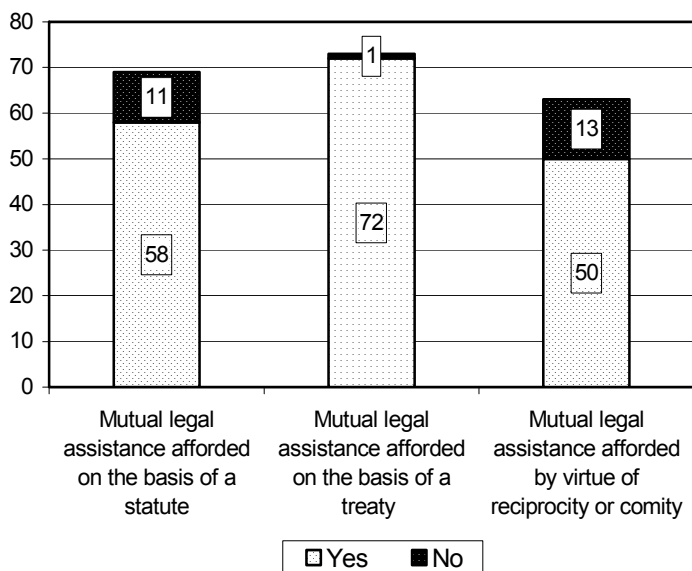


Figure 13

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: questions on whether the dual criminality requirement was established for granting requests for extradition and mutual legal assistance

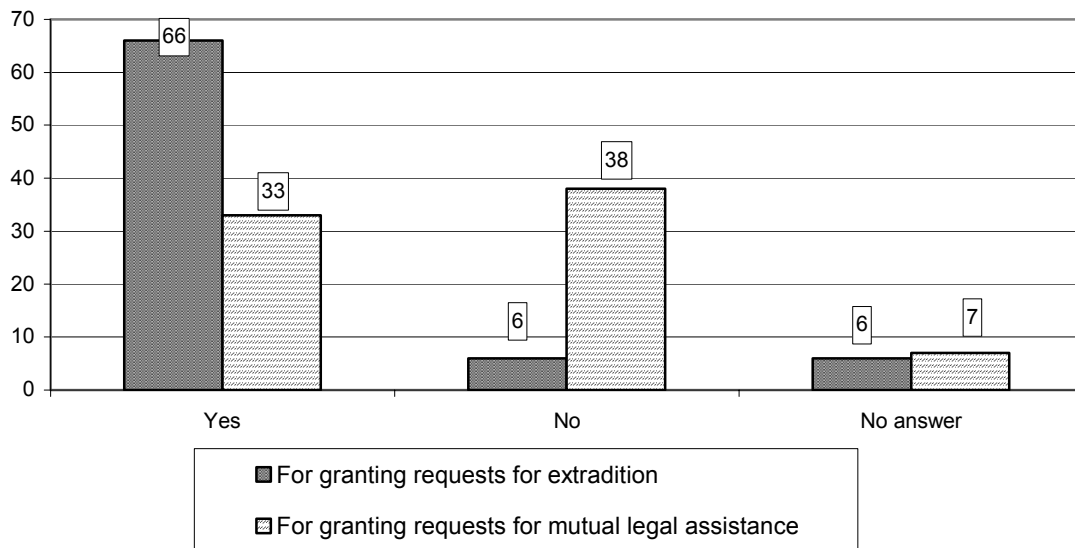


Figure 14

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: questions on whether requests from other States parties to the Convention for the confiscation of proceeds of crime were submitted to the competent authorities for the purpose of obtaining orders of confiscation or for direct enforcement

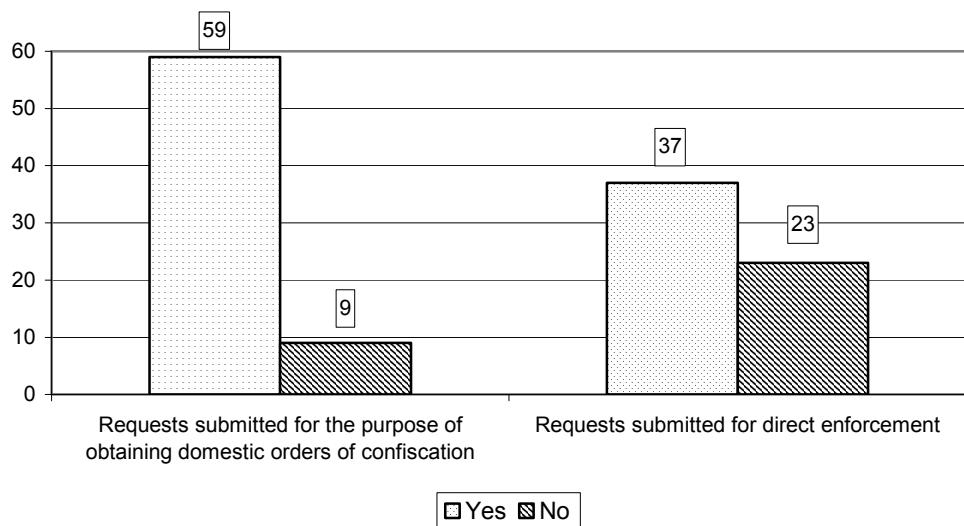
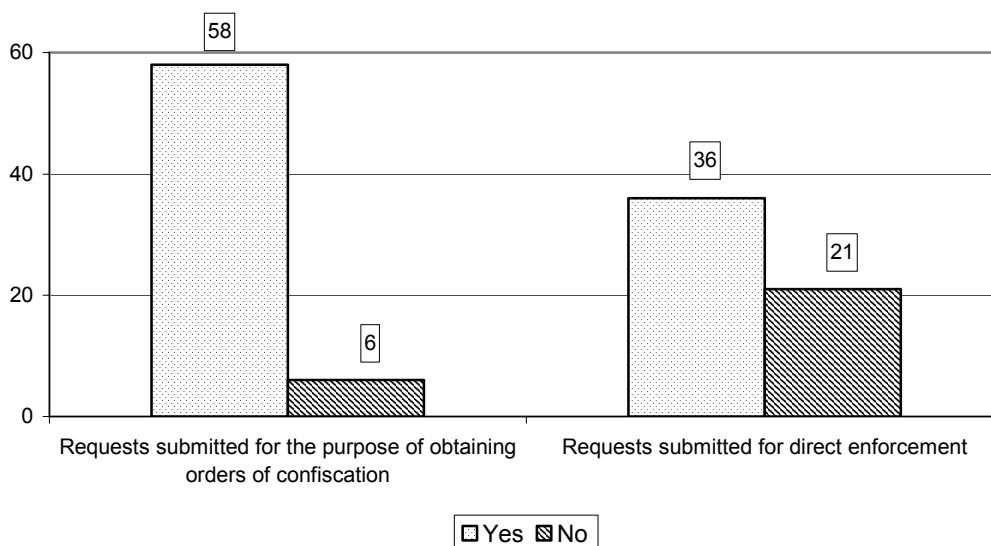


Figure 15

Responses to the questionnaire for the first reporting cycle on the implementation of the Organized Crime Convention: questions on whether requests from other States parties to the Convention for the identification, tracing, freezing seizure of proceeds of crime were submitted for the purpose of obtaining orders of confiscation or for direct enforcement



IV. Responses to the questionnaire on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: first reporting cycle

14. In the questionnaire for the first reporting cycle on the implementation of the Trafficking in Persons Protocol (see CTOC/COP/2005/3/Rev.1), States in which trafficking in persons had been criminalized were asked questions on the action of trafficking in persons (see figure 16), the means of trafficking persons (see figure 17) and the purpose of exploitation (see figure 18).

15. States were also asked whether the consent of the victim of trafficking in persons was taken into consideration under their domestic legislation (see figure 19).

Figure 16
Responses to the questionnaire for the first reporting cycle on the implementation of the Trafficking in Persons Protocol: question on the action of trafficking in persons

The action of trafficking in persons consists of:

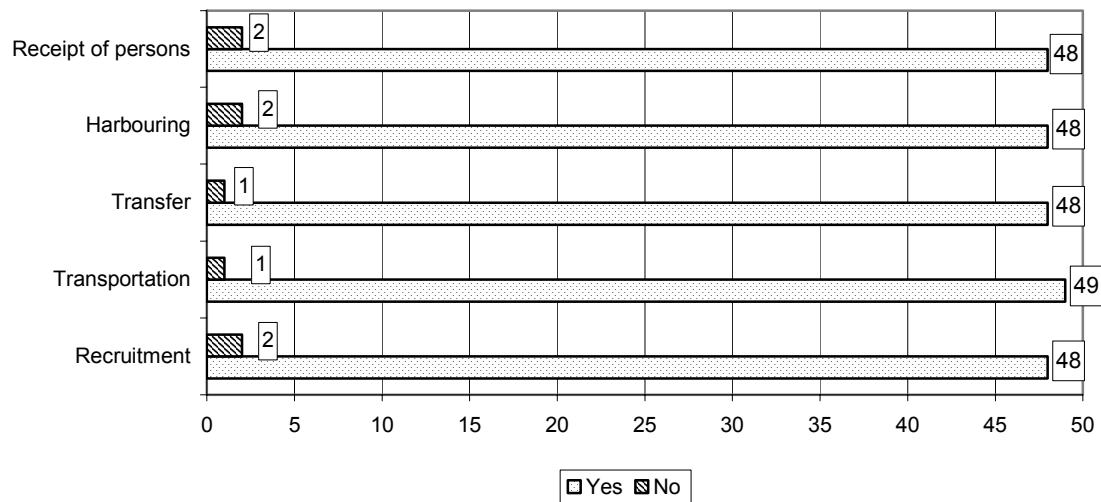


Figure 17
Responses to the questionnaire for the first reporting cycle on the implementation of the Trafficking in Persons Protocol: question on the means of trafficking in persons

The means of trafficking in persons consists of:

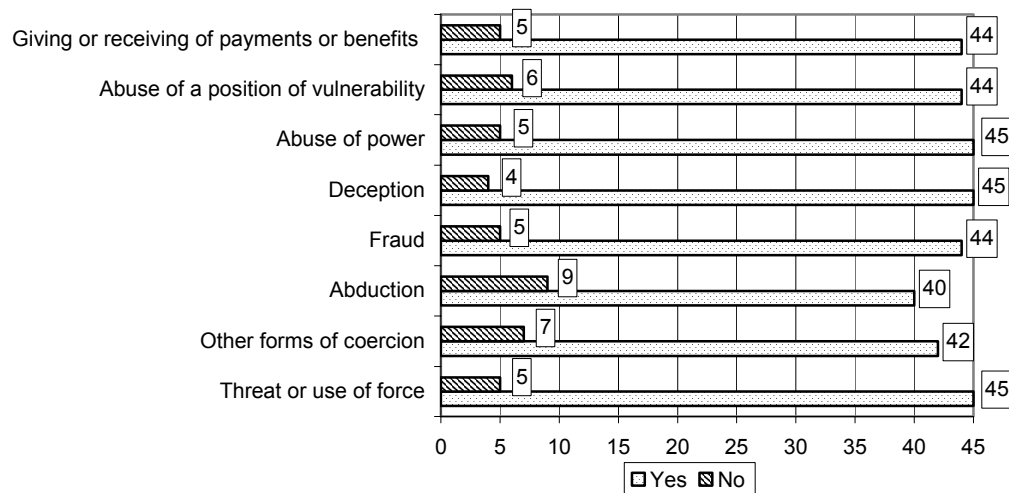


Figure 18
Responses to the questionnaire for the first reporting cycle on the implementation of the Trafficking in Persons Protocol: question on the purpose of trafficking in persons

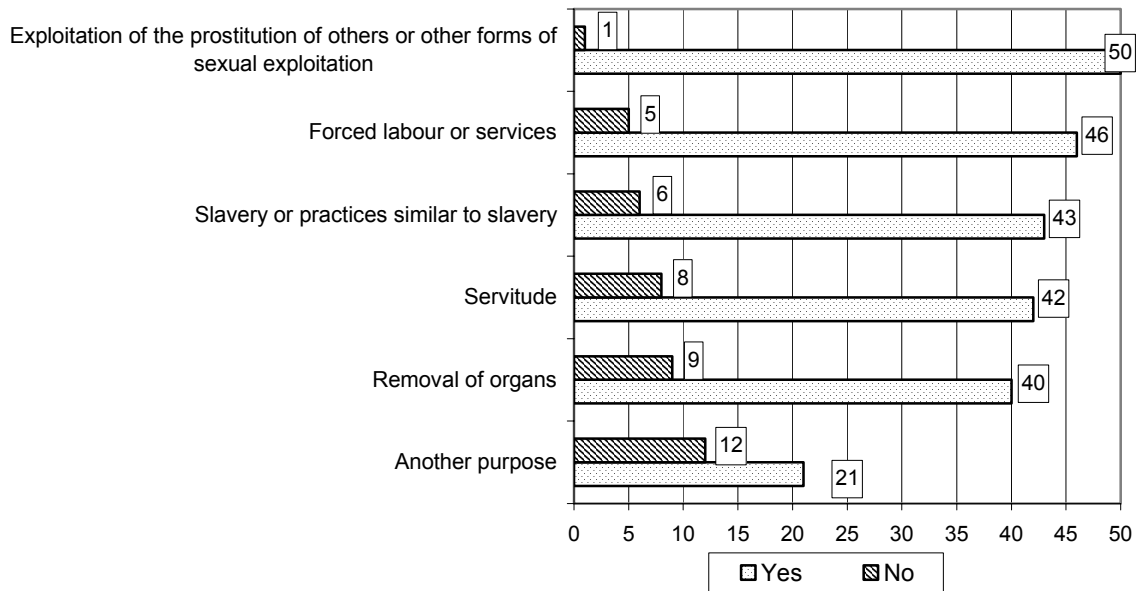
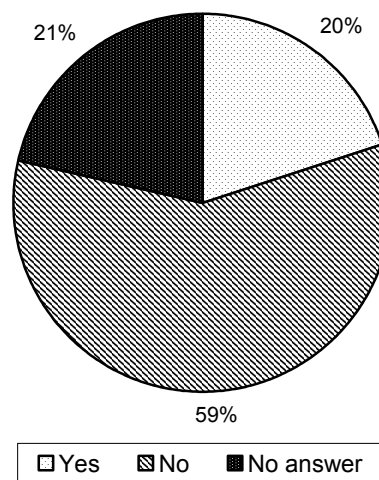


Figure 19
Responses to the questionnaire for the first reporting cycle on the implementation of the Trafficking in Persons Protocol: question on whether the consent of the victim of trafficking in persons was taken into consideration under domestic legislation



V. Responses to the questionnaire on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: first reporting cycle

16. In the questionnaire for the first reporting cycle on the implementation of the Migrants Protocol (see CTOC/COP/2005/4/Rev.1), States were asked whether smuggling of migrants was criminalized under their domestic legislation (see figure 20). Those States which replied in the affirmative were then asked whether in their legislation smuggling of migrants was defined in accordance with article 3, subparagraph (a), of the Migrants Protocol (see figure 21).

17. States were asked whether their domestic legislation established as aggravating circumstances to offences covered by the Migrants Protocol conduct that endangered or was likely to endanger the lives or safety of the smuggled migrants or that subjected them to inhuman or degrading treatment, including for exploitation (see figure 22). States were also asked whether their domestic legislation provided for any measure (of a criminal or administrative nature) against smuggled migrants who entered their territory (see figure 23).

Figure 20

Responses to the questionnaire for the first reporting cycle on the implementation of the Migrants Protocol: question on whether smuggling of migrants was criminalized under domestic legislation

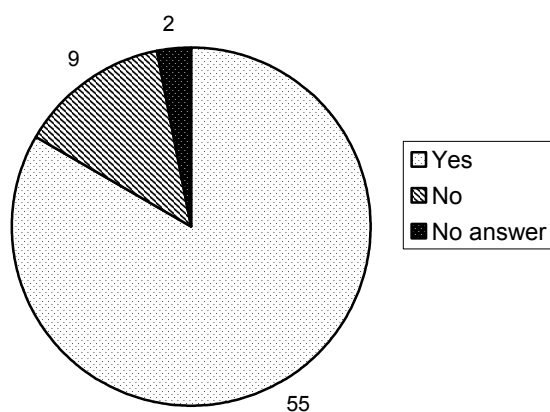


Figure 21
Responses to the questionnaire for the first reporting cycle on the implementation of the Migrants Protocol: question on whether smuggling of migrants was defined in accordance with the Protocol

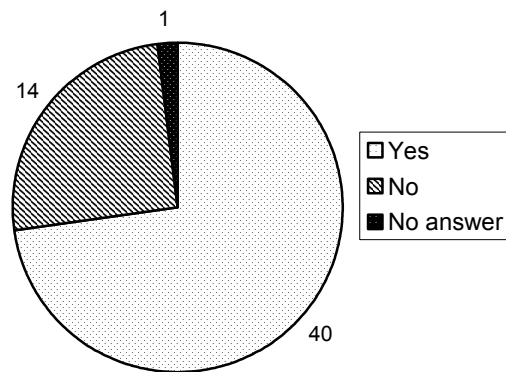


Figure 22
Responses to the questionnaire for the first reporting cycle on the implementation of the Migrants Protocol: questions on whether domestic legislation established as aggravating circumstances to offences covered by the Protocol conduct that endangered the lives or safety of the smuggled migrants or that subjected them to inhuman or degrading treatment, including for exploitation

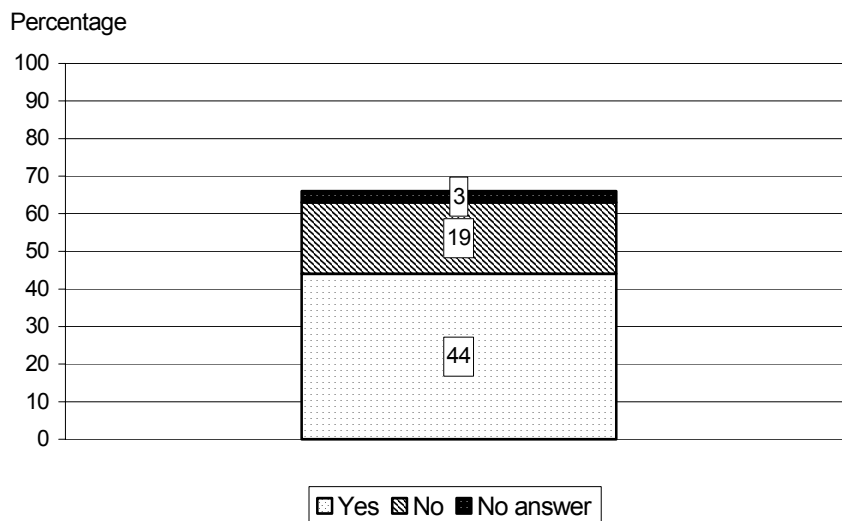


Figure 23

Responses to the questionnaire for the first reporting cycle on the implementation of the Migrants Protocol: questions on whether domestic legislation provided for any measure (of a criminal or administrative nature) against smuggled migrants who entered the country

