



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

Distr.: General  
14 July 2017

Original: English

## Working Group on the Smuggling of Migrants

Vienna, 11-13 September 2017

Item 2 of the provisional agenda\*

### Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol

## Review of the implementation of the Smuggling of Migrants Protocol, in accordance with Conference resolution 8/2

### Draft questionnaire prepared 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 should progressively address all the articles contained in the Convention and the Protocols thereto (Conference resolution 8/2).

The Conference also decided that the review mechanism should be conducted within the Conference and its existing working groups, which should 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 should define, in the following 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 Smuggling of Migrants by Land, Sea and Air, 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 first and second sessions<sup>1</sup> and covers all relevant provisions of the Protocol. The questionnaire has also been aligned with the *International Framework for Action to Implement the Smuggling of Migrants Protocol* (2012), a key technical assistance tool developed and widely used to support United Nations Member States in the effective implementation of the Smuggling of Migrants Protocol.

This questionnaire is also based on the model provided by the Working Group on Firearms. The Secretariat looked at the comments provided on the questionnaire on firearms and incorporated them to a large extent, but also decided to provide various

\* CTOC/COP/WG.7/2017/1.

<sup>1</sup> [www.unodc.org/unodc/en/treaties/CTOC/review-questionnaires.html](http://www.unodc.org/unodc/en/treaties/CTOC/review-questionnaires.html).



options for the consideration of States parties, on the understanding that the questionnaires will be harmonized in their final format according to the decision States will have made.

It was based on the following general principles:

(a) 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;

(b) 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;

(c) Questions also relating to the mutatis mutandis application of the Convention on specific matters falling under the scope of application of the Protocol are addressed in a separate questionnaire on the implementation of the Convention;

(d) States are encouraged to submit laws, regulations, cases and other documents on the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal.

## **I. Definition and criminalization requirements under the Smuggling of Migrants Protocol**

1. Is the smuggling of migrants criminalized under your domestic legislation (art. 6, para. 1, of the Protocol)?

Yes  No

If the answer is “Yes”, is smuggling of migrants defined in your country as a criminal offence in accordance with article 3, subparagraph (a), of the Protocol?

Yes  No

Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence.

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2. Is in particular the element of “financial or other material benefit” of the definition a constituent element of the offence?

Yes  No

3. If the “financial or other material benefit” element must be established, is it defined?

Yes  No

If the answer is yes, please provide details about this definition.

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4. If the “financial or other material benefit” element must be established, is there a minimum threshold for it to be established?

Yes  No

5. If the “financial or other material benefit” element must not be established, is it possible to pursue a prosecution for smuggling when the smuggler derives no financial or other material benefit?

Yes  No

6. If the “financial or other material benefit” element must not be established, can the presence of a “financial or other material benefit” constitute an aggravating circumstance in the sentencing?

Yes  No

Please cite the applicable law(s) and/or other measure(s), including the applicable sanctions for this offence.

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7. Does your domestic legislation make a distinction between smuggling of migrants and trafficking in persons?

Yes  No

If the answer is “Yes”, please specify.

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8. Does your domestic legislation make a distinction between smuggling of migrants and the facilitation of illegal entry?

Yes  No

If the answer is “Yes”, please specify.

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9. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3, subpara. (c), of the Protocol) for the purpose of smuggling of migrants criminalized under your domestic legislation (art. 6, para. 1 (b), of the Protocol)?

Yes  No

If the answer is “Yes”, please specify.

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10. Is enabling a person who is not a national of or a permanent resident in your country to remain in its territory without complying with the necessary requirements for legally remaining, by using the means referred to in question 9 above or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c), of the Protocol)?

Yes  No

**A. Ancillary offences (article 6, paragraph 2 (a), (b) and (c) of the Protocol)**

11. Does your country's legislation establish as a criminal offence the attempt to commit the offences referred to in questions 1, 9 and 10 above (art. 6, para. 2 (a), of the Protocol)?

Yes  No

If the answer is yes, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions.

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12. Is participating as an accomplice in the offences referred to in questions 1, 9 and 10 above criminalized under your domestic legislation (art. 6, para. 2 (b), of the Protocol)?

Yes  No

If the answer is yes, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions.

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13. Are organizing or directing other persons to commit the offences referred to in questions 1, 9 and 10 above criminalized under your domestic legislation (art. 6, para. 2 (c), of the Protocol)?

Yes  No

If the answer is yes, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions.

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14. Does your domestic legislation establish as aggravating circumstances to any of the offences referred to in questions 1, 9, 10, 12 and 13 above, conduct that endangers, or is likely to endanger, the lives or safety of the smuggled migrants or that subjects them to inhuman or degrading treatment, including for exploitation (art. 6, para. 3, of the Protocol)?

Yes  No

If the answer is yes, please cite the applicable law(s) and/or other measure(s), including the applicable sanctions.

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15. Does your domestic legislation provide for any measure (of a criminal or administrative nature) against smuggled migrants who have entered your country (arts. 5 and 6, para. 4, of the Protocol)?

Yes  No

If the answer is yes, please specify and cite the applicable law(s) and/or other measure(s), including the applicable sanctions.

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## II. Law enforcement and judicial system

### A. Matters related to border measures, security and control of documents and legitimacy and validity of documents

16. Has your country adopted any legislative or other appropriate measures to prevent means of transport operated by commercial carriers from being used in the commission of the offence of smuggling of migrants (art. 11, para. 2, of the Protocol)?

Yes  No

If the answer is “Yes”, please specify and provide any available information on whether such measures include establishing the obligation of commercial carriers to ascertain that all passengers are in possession of the travel documents required for entry into the country, as well as on any sanctions in case of violation of such obligation (art. 11, paras. 3 and 4, of the Protocol).

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17. Have your country’s competent authorities strengthened border measures in order to prevent and detect the smuggling of migrants (art. 11, para. 1)?

Yes  No

If the answer is “Yes”, please specify.

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18. Does your country’s legislation provide for any measures that permit the denial of entry or revocation of visas of persons implicated in the commission of offences related to the smuggling of migrants (art. 11, para. 5, of the Protocol)?

Yes  No

If the answer is “Yes”, please specify.

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19. Has your country taken any measures to ensure the adequacy of the quality and the integrity and security of travel or identity documents issued by its competent authorities (art. 12, of the Protocol)?

Yes  No

If the answer is “Yes”, please specify which measures have been adopted.

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20. Are your country’s competent authorities obliged to verify, at the request of another State party, within a reasonable time, the legitimacy and validity of travel or

identity documents issued or purported to have been issued in your country's name and suspected of being used for the smuggling of migrants (art. 13, of the Protocol)?

Yes  No

If the answer is "Yes", please specify.

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21. Does your country's legislation provide for the use of special investigative techniques to investigate migrant smuggling (art. 20, of the Convention)?

Yes  No

If the answer is "Yes", please specify.

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22. Does your country's legislation criminalize the laundering of proceeds of migrant smuggling (art. 6, of the Convention)?

Yes  No

If the answer is "Yes", please specify.

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23. Has your country adopted measures to deter and detect money-laundering when linked to migrant smuggling (art. 7, of the Convention)?

Yes  No

If the answer is "Yes", please specify.

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24. Has your country adopted measures to identify, trace, freeze, confiscate and seize proceeds derived from migrant smuggling (art. 12, of the Convention)?

Yes  No

If the answer is "Yes", please specify.

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### III. Protection and assistance measures for smuggled migrants

25. Which of the below measures related to the legal framework are applied by your country to preserve life and protect the right of smuggled migrants not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment (art. 16, para. 1, and 19, para. 1, of the Protocol)?

- Ratification or accession to international instruments prohibiting torture and other cruel, inhuman or degrading treatment or punishment (e.g. the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

- Review or amendment of legislation to strengthen the rights of smuggled migrants to life and to not be subjected to torture, and cruel, inhuman or degrading treatment or punishment.
  - Review or amendment of legislation to only detain smuggled migrants in exceptional circumstances, which are reasonable and proportionate, and development of alternatives to administrative detention of smuggled migrants.
  - Other measure (please specify).
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- .....

26. Which of the below preventive measures are applied by your country to preserve life and protect the right of smuggled migrants not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment (art. 16, para. 1, and 19, para. 1, of the Protocol)?

- Strict enforcement of the principle of non-refoulement, prohibiting expulsion, return or extradition of smuggled migrants to States if they face the risk of being tortured.
  - Involvement of international organizations, civil society organizations and other relevant stakeholders in the design of policies preserving life and strengthening the rights of smuggled migrants to not be subjected to torture and other ill-treatment.
  - Access to an efficient mechanism for smuggled migrants to challenge their detention through judicial review of detention decisions, allowing detainees to challenge the legality of their detention before court or competent authority.
  - Regular monitoring by an independent monitoring institution (e.g. National Preventive Mechanism established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, national human rights institution, ombudsperson's office, etc.) of the administrative detention of smuggled migrants.
  - Capacity-building of criminal justice and other relevant actors on the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the right to life. (art. 14, para. 2 (e), Protocol).
  - Other measure (please specify).
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- .....

27. Which of the below measures are applied by your country to ensure access to justice and redress, to preserve life and protect the right of smuggled migrants not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment (art. 16, para. 1, and 19, para. 1, of the Protocol)?

- Creation or support to an independent complaint mechanism receiving confidential allegations from smuggled migrants of torture and ill-treatment, and providing all necessary support, including legal aid, information, representation and assistance, guaranteeing access to justice and ensuring the safety and security of all smuggled migrants who file a complaint.
- Investigation and prosecution of all cases of death, torture and ill-treatment of smuggled migrants by State actors, including border control and immigration officials, including those who ordered such acts.
- Provision to smuggled migrants victims of torture and ill-treatment of physical and mental health services.

- Other measure (please specify).
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28. Which of the below measures are applied by your country to afford smuggled migrants protection against violence that may be inflicted upon them by individuals or groups (art. 16, para. 2, of the Protocol)?

- Review or amendment of legislation to protect migrants against violence, including sexual and gender-based violence.
- Investigation and prosecution of all cases of violence, threats or intimidation committed against smuggled migrants (art. 68, para. 1 (c), of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families).
- Provision of a full access to justice in cases of violence, by separating criminal procedures and immigration control mechanisms.
- Provision to smuggled migrants victims of violence of physical and mental health services.
- Creation or support to a complaint mechanism receiving confidential allegations of violence from smuggled migrants, and providing all necessary support, including legal aid, information, representation and assistance, guaranteeing access to justice and ensuring the safety and security of all smuggled migrants who file a complaint.
- Treatment of acts of violence against smuggled migrants as aggravating circumstances.
- Capacity-building of service providers, medical professionals, law enforcement officials, members of the judiciary and policymakers to address violence, including sexual and gender-based violence, as well as violence against children, inflicted on smuggled migrants.
- Other measure (please specify)
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29. Which of the below measures are applied by your country to enable the provision of assistance to smuggled migrants whose lives or safety are endangered (art. 16, para. 3, of the Protocol)?

- Review or amendment of legislation, strategies or national action plans to provide basic assistance to smuggled migrants.
- Review or amendment of legislation to ensure that the provision of humanitarian assistance to smuggled migrants is not criminalized.
- Allocation of resources to support the provision of basic assistance to smuggled migrants whose lives and safety are endangered, ensuring that the State covers the full cost of assistance and that the migrants do not bear it.
- Establishment of procedures to provide urgently required medical care, access to health facilities, food, water and sanitation, as well as other necessary goods and services.
- Investigation and prosecution of all allegations of failure to assist smuggled migrants whose lives and safety are endangered.
- Other measure (please specify).
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30. Which of the below measures are applied by your country to enable the provision of assistance to smuggled migrants by sea whose lives are in imminent danger (art. 8, para. 5, of the Protocol)?

- Review or amendment of legislation, strategies or national action plans to provide basic assistance to smuggled migrants.
- Review or amendment of legislation to ensure that the provision of humanitarian assistance to smuggled migrants is not criminalized.
- Allocation of resources to support the provision of basic assistance to smuggled migrants whose lives and safety are endangered, ensuring that the State covers the full cost of assistance and that the migrants do not bear it.
- Establishment of procedures to provide urgently required medical care, access to health facilities, food, water and sanitation, as well as other necessary goods and services.
- Investigation and prosecution of all allegations of failure to assist smuggled migrants whose lives and safety are endangered.
- Other measure (please specify).

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31. In implementing protection and assistance measures for smuggled migrants, do your country's competent authorities take into account the special needs of women and children (art. 16, para. 4, of the Protocol)?

Yes  No

If the answer is "Yes", please specify the measures taken by your country to address the special needs of women and children who have been smuggled.

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32. Does your country allow smuggled children access to primary education and, to the extent possible, to other educational levels, by facilitating their attendance to regular schools or by providing proper educational arrangements (art. 16, para. 4, of the Protocol, in conjunction with art. 24 of the Convention on the Rights of the Child)?

Yes  No

If the answer is "Yes", please provide details.

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33. Does your country systematically ensure that smuggled children are not subjected to administrative immigration detention, and that their best interests are respected?

Yes  No

If the answer is "Yes", please specify where children are accommodated.

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34. In the case of detention of smuggled migrants, do your country's competent authorities comply with the obligation under the Vienna Convention on Consular Relations to inform those persons without delay about the provisions of the Convention concerning notification to and communication with consular officers (art. 16, para. 5)?

Yes  No

35. Which of the below measures are applied by your country to counter discrimination against smuggled migrants?

- Periodic evaluation of legal instruments and administrative practices, policy(ies), action plans and other measures to ensure non-discrimination towards smuggled migrants.
- Establishment and promotion of best practices and policies (art. 31 (1) of the Convention).
- Mandate to anti-discrimination institutions (national human rights institutions, ombudsperson's offices, etc.) to monitor the situation of smuggled migrants.
- Promotion of public awareness regarding the phenomenon of irregular migration and the smuggling of migrants as a means to promote respect for the dignity of migrants and counteract anti-migrant attitudes (art. 31, para. 5, of the Convention).
- Capacity-building of service providers, medical professionals, law enforcement officials, members of the judiciary and other relevant actors on the principle of non-discrimination (art. 14, para. 2 (e), Protocol).
- Creation or support to an independent complaint mechanism receiving confidential allegations of discrimination from smuggled migrants, and providing all necessary support, including legal aid, information, representation and assistance, guaranteeing access to justice and ensuring the safety and security of all smuggled migrants who file a complaint.
- Other measure (please specify).
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#### IV. Preventive measures

##### A. Capacity-building measures (article 14 of the Protocol)

36. Have you built the capacity of border, immigration and law enforcement officials to prevent, combat and eradicate migrant smuggling while protecting the rights of the smuggled migrants?

Yes  No

If the answer is "Yes", please specify on which of the below topics the capacity-building was:

- International and domestic legal framework to combat migrant smuggling.
- Improving the security and quality of travel documents.
- Recognizing and detecting travel or identity documents which have been produced fraudulently.
- Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected to be engaged in migrant smuggling, the methods used to transport smuggled migrants and the means of concealment.

- Improving procedures for detecting smuggled migrants at conventional and non-conventional points of entry and exit.
- The humane treatment of migrants and the protection of their rights.
- Protecting and assisting smuggled migrants.
- Assisting and rescuing smuggled migrants whose lives are in imminent danger.
- Preventing migrant smuggling.
- International law enforcement cooperation (e.g. joint investigation teams, information-sharing).
- Other topics.

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Please provide more details on the type of capacity-building activities provided and their frequency.

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37. On what topics would your border, immigration and law enforcement officials need more capacity-building?

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38. Have you built the capacity of judges and prosecutors to prevent, combat and eradicate migrant smuggling while protecting the rights of the smuggled migrants?

Yes  No

If the answer is “Yes”, please specify on which of the below topics the capacity-building was:

- International and domestic legal framework to combat migrant smuggling.
- Investigation methods and techniques in migrant smuggling cases.
- Prosecuting and sentencing of migrant smuggling cases.
- Financial investigations and prosecutions.
- Witness protection.
- The humane treatment of migrants and the protection of their rights.
- Improving judicial cooperation and mutual legal assistance.
- Other topics.

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Please provide more details on the type of capacity-building activities provided and their frequency.

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39. On what topics would judges and prosecutors need more capacity-building?

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40. Have you built the capacity of consular staff to prevent, combat and eradicate migrant smuggling while protecting the rights of the smuggled migrants?

Yes  No

If the answer is “Yes”, please specify on which of the below topics the capacity-building was:

- International and domestic legal framework to combat migrant smuggling.
- Recognizing and detecting travel or identity documents which have been produced fraudulently.
- Improving procedures for detecting smuggled migrants.
- Witness protection.
- Other topics.

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Please provide more details on the type of capacity-building activities provided and their frequency.

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41. On what topics would consular staff need more capacity-building?

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42. Does your country cooperate with international organizations, non-governmental organizations other relevant organizations and other elements of civil society as appropriate to develop and deliver training on combating migrant smuggling and protecting the rights of migrants who have been smuggled (art. 14, para. 2, of the Protocol)?

Yes  No

**B. Other prevention measures (article 15 of the Protocol)**

43. Has your country carried out awareness-raising campaigns on the dangers of migrant smuggling?

Yes  No

If the answer is “Yes”, for which target audience was it?

- Law enforcement officials, such as police, immigration and border officials.
- Navy and military personnel.
- Magistrates.
- Parliamentarians.
- Commercial carriers.

- Media.
- Schools and universities.
- Diaspora communities.
- Civil society at large.
- Potential migrants.
- Others:

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44. Which measures and programmes, if any, has your country taken to reduce the vulnerability to migrant smuggling of communities by combating the root socioeconomic causes of the smuggling of migrants (e.g. microcredits, skills training, job counselling, education programmes, programmes to promote women's participation in economic decision-making; programmes to keep children in school, grants to non-governmental organizations, etc.) (art. 15, para. 3, of the Protocol)?

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45. Have international and local civil society organizations been involved in the design and the implementation of these measures and programmes?

Yes  No

If the answer is "Yes", please provide more details.

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46. Has your country established specific measures and procedures for the protection from potential retaliation or intimidation, and for the physical protection of witnesses, such as relocation, non-disclosure of identity, the possibility to provide testimonies through communication technology, etc. (art. 24, of the Convention)?

Yes  No

If the answer is "Yes", please explain which measures and procedures have been adopted.

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## **V. Information exchange, coordination and international cooperation**

### **A. Information**

47. Has your country adopted measure(s) to promote the information exchange with other States to implement the provisions set forth in article 10 of the Protocol?

Yes  No

If the answer is yes, 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 matters such as embarkation and destination points,

means of transportation, methods of organization of the criminal groups, travel documents, means and methods of concealment of persons, etc.).

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48. Does your country regularly collect data and analyse trends on the smuggling of migrants (art. 28, of the Convention)?

Yes  No

## B. Coordination

49. Has your country established a national coordinating body comprising officials from relevant State agencies and local government and non-governmental service providers to prevent and combat migrant smuggling and protect the rights of migrants? (art. 2, of the Protocol)?

Yes  No

Please provide more details relating to the composition and the mandate of this body.

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50. Does your country cooperate with civil society organizations in the development of policies to combat and prevent the smuggling of migrants)?

Yes  No

If the answer is “Yes”, please provide more details about this cooperation.

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51. Has your country taken any measures to strengthen cooperation with the border control agencies of other States parties, by, inter alia, establishing and maintaining direct channels of communication (art. 11, para. 6, of the Protocol)?

Yes  No

## C. Cooperation

52. Has your country concluded bilateral or regional agreements or operational arrangements to States to allow the competent authority(ies) to establish joint investigative bodies in relation to migrant smuggling? (art. 17, of the Protocol, and art. 19, of the Convention)?

Yes  No

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If the answer is “Yes”, please elaborate further on the agreements and arrangements and provide examples of their implementation, and cite also the applicable policy/policies or law(s).

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53. Does your country's legislation provide for measures to encourage close law enforcement cooperation in relation to migrant smuggling (art. 27 of the Convention)?

Yes  Yes, in part  No

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

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54. Does your country cooperate with other States with regard to the confiscation of assets related to the smuggling of migrants? (art. 13, of the Convention)?

Yes  No

If the answer is "Yes", please provide more details.

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#### **D. Matters related to the return of smuggled migrants**

55. Do your country's competent authorities facilitate and accept, without undue or unreasonable delay, the return of a smuggled migrant who is a national of, or has the right of permanent residence in, your country at the time of his/her return (art. 18, para. 1, of the Protocol)?

Yes  No

Please provide more details on the procedure.

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56. Do your country's competent authorities facilitate and accept the return of a smuggled migrant who had the right of permanent residence in your country at the time of entry into the receiving State (art. 18, para. 2)?

Yes  No

Please provide more details on the procedure.

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57. Are your country's competent authorities obliged to verify, at the request of the receiving State party, without undue or unreasonable delay, whether a smuggled migrant is a national of, or has the right of permanent residence in, your country (art. 18, para. 3)?

Yes  No

Please provide more details on the procedure.

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58. In order to facilitate the return of a smuggled migrant who is without proper documentation, are your country's competent authorities obliged to issue, at the request of the receiving State party, such travel documents or other authorization as

may be necessary to enable the smuggled migrant to travel and re-enter the territory of your country (art. 18, para. 4)?

Yes  No

Please provide more details on the procedure.

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59. What kind of measures are taken in your country to carry out the return of smuggled migrants in an orderly manner?

Please specify and provide any available information on how the need to ensure the safety and dignity of smuggled migrants is taken into account in the process of their return, such as with the presence of independent monitoring bodies (art. 18, para. 5).

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60. Do your country's competent authorities promote voluntary return in preference to forced return by encouraging and assisting those who do not qualify for humanitarian protection to return to their country of origin in humane and safe conditions?

Yes  No

Please provide more details on the procedure.

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61. Do your country's competent authorities cooperate with relevant international organizations in implementing measures to carry out the return of smuggled migrants (art. 18, para. 6)?

Yes  No

If the answer is "Yes", please specify with which international organizations you cooperate.

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62. Is there an evaluation of return procedures in your country, to ensure that refoulement has not occurred?

Yes  No

If the answer is "Yes", please specify.

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63. Does your legislation allow for collective returns, or only returns upon individual assessment?

- Collective returns.
- Returns upon individual assessment exclusively.

Other (please specify)

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64. Do smuggled migrants have the right to appeal against decisions related to return before a competent judicial or administrative authority or a competent independent body, as well as free legal representation and assistance?

Yes  No

Please provide more details.

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65. Has your country entered into any bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of smuggled migrants (art. 18, para. 8, of the Protocol)?

Yes  No

If the answer is “Yes”, please specify.

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## **E. Extradition and mutual legal assistance**

66. Does your country’s legislation allow to consider the offences covered by the Protocol as extraditable offences (article 16, of the Convention)?

Yes  Yes, in part  No

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. 6 of the Protocol).

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67. 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. 6 of the Protocol)?

Yes  Yes, in part  No

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.

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## VI. Difficulties encountered and assistance required

68. Please describe challenges by your country in the implementation of the Smuggling of Migrants Protocol provisions.

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

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

Yes  No

If yes, please indicate the type of assistance required to implement the Protocol:

- Assessment of criminal justice response to migrant smuggling.
- 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 criminal justice practitioners and/or the training of trainers.
- Capacity-building through awareness-raising among judiciary.
- On-site assistance by a relevant expert.
- Institution-building/strengthening.
- Prevention/awareness-raising.
- Technological assistance and equipment (please be specific).
- Development of data collection/database(s).
- Workshops/platform to enhance regional and international cooperation.
- Specialized tools such as e-learning modules, manuals, guidelines and standard operating procedures.
- Other (please specify):

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

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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: \_\_\_\_\_  
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Telephone number: \_\_\_\_\_

Telefax number: \_\_\_\_\_

Email address: \_\_\_\_\_

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