



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

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Working Group on Trafficking in Persons

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Item 3 of the provisional agenda*

**Preparation of the questionnaire to review the
implementation of the Trafficking in Persons Protocol**

Review of the implementation of the Trafficking in Persons 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 to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 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 sessions¹ and covers all relevant provisions of the Protocol. The questionnaire has also been aligned with the *International Framework for Action to Implement the Trafficking in Persons Protocol* (2009), a key technical assistance tool developed and widely used to support United Nations Member States in the effective implementation of the Trafficking in Persons 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 options for the consideration of States parties, on the understanding that the

* CTOC/COP/WG.4/2017/1.

¹ www.unodc.org/unodc/en/treaties/CTOC/review-questionnaires.html.



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

1. Does your legal framework criminalize trafficking in persons (article 5.1, in conjunction with art. 3, Protocol)?

Yes Yes, in part No

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

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A. Criminalization of ancillary offences (article 5.2 of the Protocol)

2. Does your country criminalize the attempt to commit trafficking in persons (article 5.2 (a), in conjunction with art. 3)?

Yes Yes, in part No

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

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3. Does your country criminalize the participation as an accomplice in trafficking in persons (article 5.2 (b), in conjunction with article 3)?

Yes Yes, in part No

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

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4. Does your legal framework criminalize the organization or the direction of other persons to commit trafficking in persons (article 5.2 (c), in conjunction with article 3)?

Yes Yes, in part No

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

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5. Does your country prevent trafficked persons from being prosecuted, detained or punished for their involvement in unlawful activities, to the extent that they have been compelled to do so?

Yes No

Please cite the applicable law(s) and/or other measure(s).

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B. Consent of the victim (article 3 (b) of the Protocol)

6. Does your country ensure that when the means has been established, the consent of the victim is irrelevant (in accordance with article 3 (b))?

Yes No

Please provide details.

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C. Criminalization of trafficking in children (article 3 (c) of the Protocol)

7. Does your country have any of the following in place? (select as many as relevant)

- Legislation that specifies that the means element is not required for trafficking in children.
- A separate offence concerning trafficking in children.
- Legislation that increases the gravity of trafficking in persons when children are involved as victims.
- Legislation that includes trafficking in children among aggravating circumstances of the crime.
- Other.

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II. Protection/Assistance (articles 6, 7 and 8 of the Protocol)

8. Does your country have existing regulations/directives/guidelines regarding protection and assistance to victims of trafficking?

Yes No

Please describe in detail and cite the applicable measures:

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9. Has your country implemented any of the measures listed below?
- Identification processes, including identification guidelines and procedures
 - National referral mechanism
 - Mutual referral mechanisms between different protection processes e.g. child protection system, asylum system, migrants' protection, worker protection system
 - Other measures (please specify)

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

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A. Protect the privacy and identity of victims in appropriate cases and to the extent possible under domestic law (article 6.1 of the Protocol) and witnesses (article 24.2 of the Convention) of trafficking in persons

10. Has your country enacted/implemented any of the measures listed below?
- Procedures to protect the confidentiality and/or privacy of victims of trafficking.
 - Enabled victim/witness testimony to be taken in a confidential manner by using communications technology such as video links, closed court or screened victim/witness, relocation.
 - Other measures (please specify).

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

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B. Participation of victims in proceedings (articles 3 (b) and 6.2 of the Protocol)

11. Does victim status determination in your country depend on participation in criminal proceedings?
- Yes No

12. Has your country implemented any of the following measures?
- Ensured that trafficked persons are allowed a period of reflection to decide on their participation in a judicial procedure.
 - Ensured that trafficked persons are informed, in writing or orally, about relevant judicial and administrative procedures in a language they understand.

- Ensured that state legal aid services or specialized structures inform trafficked persons of their rights, in writing or orally in a language they understand.
- Established judicial procedures to avoid the re-victimization of trafficked persons, in particular children, during the judicial process.
- Ensured trafficking victims have access to legal aid during the entire period of civil or legal action against perpetrators of trafficking.

C. Housing (article 6.3 (a) of the Protocol)

13. Does your country provide safe and secure accommodation for trafficked persons?

Yes No

If yes, please specify if the accommodation is in specialized/non-specialized shelters, how they take into consideration gender and age, and how safety is ensured.

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D. Medical, psychological and material assistance to victims of trafficking (article 6.3 (c) of the Protocol)

14. Does your country have existing measures for the physical, psychological, and social recovery of trafficked persons? Please provide details.

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15. Has your country implemented any of the following measures?

- Created support services or specialized organizations or specialized crisis centres equipped to respond to trafficked persons' needs as appropriate.
- Ensured that support services or specialized service providers are distributed appropriately throughout a State's territory and are part of a network, in order to secure effective referral.
- Promoted the creation of specialized networks to support medical, psychological and social assistance to victims.
- Other measures (please specify).

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

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E. Employment, education, training opportunities (article 6.3 (d) of the Protocol)

16. Has your country implemented, in collaboration with national stakeholders, including private sector, programmes providing livelihood options (including employment opportunities, vocational training, educational programmes) for trafficked persons and those vulnerable to trafficking?

Yes Yes, in part No

Please provide details

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F. Physical safety of victims and witnesses (article 6.5 of the Protocol, articles 24 and 25.1 of the Convention)

17. Is witness protection legislation, in particular concerning physical protection, applied to trafficking victims?

Yes Yes, in part No

18. Have law enforcement services and other competent authorities been given training regarding their responsibility to ensure the safety of trafficking victims?

Yes Yes, in part No

19. Please specify the witness protection measures available for victims of trafficking in persons:

- Confidentiality or change of identity.
- Relocation to new accommodation or geographic location.
- Arrangements with other States to provide protective measures for witnesses or victims, such as a new residence.
- Use of special communications techniques to assist the witness, such as video link, recorded testimony, or closed trials).
- Other measures (please specify)

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20. Please provide details on the available witness protection measures

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21. Do you have standard operating procedures with regard to child victims and witnesses?

Yes Yes, in part No

Please provide details on these procedures

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G. Possibility of obtaining compensation (article 6.6 of the Protocol and article 25.2 of the Convention)

22. Does your country have appropriate procedures to allow victims to obtain compensation and restitution (article 25.2, Convention) through criminal, civil and/or administrative proceedings?

Yes Yes, in part No

If yes, or yes in part, please provide details

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23. Does your country have a dedicated victim compensation fund or scheme from which victims' claims can be met?

Yes No

If yes, please provide details

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24. Where a general victim compensation fund exists, how do you ensure that victims of trafficking in persons have access to it?

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H. Special needs of children (article 6.4 of the Protocol)

25. Does your country have specific measures to ensure the physical and psychological care of trafficking children?

Yes Yes, in part No

Please provide details on the different measures.

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26. Do trafficked children have access to education and means of social integration?

Yes Yes, in part No

Please provide details.

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27. Has your country implemented any of the following measures?

- Ensured the implementation of United Nations Children's Fund (UNICEF) Guidelines: Where the age of the child is uncertain and there are reasons to believe that the victim is a child, the presumption shall be that the victim is a child.
- Dedicated centres and/or shelters specifically for trafficked children.
- Alternative care arrangements that respect the rights and dignity of the trafficked child, in situations where the safe return of the child to his or her family is not possible, or where such return would not be in the child's best interest.
- Other measures (please specify).

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I. Status of victims (article 7 of the Protocol)

28. Has your country implemented any of the following measures?

- Adopted regulations or guidelines to guarantee effective issuance of residence permits to trafficking victims.
- Ensured that the issuance of residence permits to victims of trafficking is not discretionary.

- Ensured that immigration status or return of the victim does not prevent the victim from filing for, being awarded and receiving compensation.
 - Facilitated access by all trafficked persons to all measures available to victims of crime.
 - Ensured that trafficked persons receive information regarding their right to request asylum.
 - Referral to the Office of the United Nations High Commissioner for Refugees (UNHCR), other refugee protection actors and/or asylum of trafficked persons who claim that they are facing persecution or other serious harm upon return.
 - Respected the principle of non-refoulement and ensured that all victims of trafficking who express a wish to seek asylum or a fear to return are allowed access to asylum procedure for an examination of their claim.
 - Other measures (please specify).
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29. If you have selected one or more of the above, please describe the concrete measures taken and cite the applicable policy/policies or law(s), and provide examples of their successful implementation.

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J. Repatriation of victims (article 8 of the Protocol)

30. Do you have legislative provisions allowing trafficking victims to not be repatriated while judicial proceedings are pending?

Yes No

If yes, please provide details.

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31. Do you systematically carry out a proper risk assessment in the victims' country of origin before repatriation?

Yes No

32. Has your country implemented any of the following measures?

- Access to consular services is provided if appropriate.
- To the extent possible, the return of trafficked persons is undertaken on a voluntary basis.
- A clear identification procedure of victims' nationalities with the respective embassies of the victims' native countries.
- Other measures (please specify).

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Please provide details.

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33. Has your country assessed existing legislation on social and victim protection?

Yes No

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

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III. Prevention

A. Prevention of trafficking in persons (article 9 of the Protocol)

34. Does your country have legislation or policies to prevent trafficking in persons?

Yes Yes, in part No

If the answer is yes or yes, in part, please elaborate on the approach. Please cite the relevant law or policy.

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35. Has your country assessed existing legislation and/or policies to prevent trafficking in persons?

Yes No

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

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36. Does your country implement any other measure(s) or programme(s) to prevent trafficking in persons?

- Strengthened monitoring and management of labour markets, including regulation and monitoring of workplaces and recruitment processes.
- Conducted research and data collection into the nature and extent of the problem including labour exploitation, root causes, trends of trafficking, demand for exploitative services and labour, and on the gaps and shortcomings on assistance to prevent re-victimization.
- Identified groups and communities vulnerable to trafficking, and those who may come into contact with trafficking situations.
- Implemented awareness-raising campaigns to address potential victims of trafficking (e.g. through free hotlines, or other accessible open sources, including information on how to obtain legal employment, migration information, the risks of trafficking in persons).
- Implemented awareness-raising campaigns to address potential consumers of exploited labour.
- Established rapid response strategy and capacity to prevent trafficking in persons in situations of war, natural disaster, and other crises that may result in refugee flows.

- Conducted regular impact assessment of prevention measures on the target group and identified gaps and shortcomings.
 - Other measures (please specify).
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B. Training (article 10 of the Protocol)

37. Has specialized training on trafficking in persons been provided to any of the following actors:

- Law enforcement
 - Immigration authorities
 - Judicial authorities
 - Prosecutors
 - Labour inspectors
 - Consular officers
 - First responders
 - Health-care staff
 - Other (please specify)
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Please provide details

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IV. Coordination/Cooperation

A. Border measures dealing with commercial carriers (article 11 of the Protocol)

38. Has your country implemented any of the following measures?

- Ensured or strengthened border capacity to prevent and detect trafficking in persons.
 - Ensured that border control measures are in line with international human rights and refugee law through adequate protection safeguards.
 - Ensured or strengthened cross-border cooperation.
 - Developed, implemented and/or offered awareness and capacity-building programmes targeting commercial carriers.
 - Other measures (please specify).
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B. Measures relating to travel or identity documents (article 12 of the Protocol)

39. Has your country implemented any of the following measures?

- Trained front line law enforcers specifically on document forensics.
- Trained foreign officers and consular officials to identify forged identity and travel documents.
- Trained commercial carriers to identify forged identity and travel documents.
- Ensured that refugees and migrants are not punished for irregular entry, including by using forged identity and travel documents.
- Other measure (please specify).

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C. National coordination/cooperation among all stakeholders (article 10 of the Protocol)

40. Has your country established specialized police units and judicial structures to deal with trafficking in persons?

Yes No

If yes, please specify specialized police units and judicial structures established.

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41. Has your country implemented any of the following measures?

- Took stock and carried out an assessment of existing policies or measures on trafficking in persons.
- Adopted a comprehensive strategy and/or a plan of action specifically related to trafficking in persons, or including references to trafficking in persons.
- Established a multidisciplinary coordination mechanism or body in charge of implementing a coordinated national response to trafficking in persons.
- Established a system or mechanism of cooperation to exchange information between law enforcement, immigration and other relevant authorities (article 10.1, Protocol).

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.

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D. State actors' cooperation with civil society (articles 6.3 and 9.3 of the Protocol)

42. Has your country implemented any formal cooperation agreements with civil society partners regarding trafficking in persons?

Yes No

If yes, please provide details on the cooperation agreements.

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E. Measures to strengthen cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication (article 11.6 of the Protocol)

43. Does your country make use of the framework of regional organizations such as Ameripol, Europol, the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), the Southern African Development Community (SADC), the Southern African Regional Police Chiefs Cooperation Organization (SARPCO), the Chiefs of ASEAN Police (ASEANAPOL), the Commonwealth of Independent States (CIS) or the International Criminal Police Organization (INTERPOL) to facilitate operational cooperation among regional partners?

Yes Yes, in part No

If the answer is yes or yes, in part, please provide details of the frameworks being used.

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F. International cooperation among Member States

44. Has your country conducted a needs assessment to determine requirements for effective cooperation?

Yes No

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

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G. Mutual legal assistance (article 18 of the Convention)

45. Does your country's legislation establish a mutual legal assistance procedure using the Organized Crime Convention as a legal basis (article 18, para.7) in human trafficking cases?

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 trafficking in persons.

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46. Has your country strengthened national capacity in order to make and execute mutual legal assistance requests?

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 strengthened national capacity.

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47. Has your country identified a national focal point to act as liaison between it and other States parties on matters relating to this Protocol?

Yes Yes, in part No

Please explain, and please provide the name and functions of the designated national focal point when applicable.

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48. How does your country ensure that no information on trafficking victims' asylum applications are shared with their country of origin?

Please elaborate on the measures taken.

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H. Joint investigations (article 19 of the Convention)

49. Does your country make use of co-located or non-co-located joint investigation teams in human trafficking cases?

Yes Yes, in part No

If the answer is yes or yes, in part, please provide details on the type of joint investigation teams used.

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I. Liability of legal persons (article 10 of the Convention)

50. Is it possible to establish the liability of legal persons (article 10.4) for trafficking in persons in your country?

Yes No

Please indicate if the following is provided in your legislation: (select as many as relevant)

- Liability of legal persons can be criminal, civil or administrative without prejudice to the criminal liability of natural persons having committed the crime of trafficking in persons (article 10.2 and 3 Convention).

- Legal persons held liable are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions (article 10.4 Convention).

If you have selected one or more of the above, please describe in detail, cite the applicable law(s), and provide examples of their successful implementation:

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J. Criminalization and measures against corruption (articles 8 and 9 of the Convention)

51. Has your country adopted any specific legislative, administrative or other measures to prevent, investigate or prosecute corruption in relation to trafficking in persons?

Yes No

If yes, please specify.

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K. Sanctions (article 11.1 of the Convention)

52. Is a conviction of trafficking in persons punishable by a deprivation of liberty of at least four years?

Yes No

Please provide details on the length of the sanction:

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53. Where parents/legal guardians are involved in the trafficking of their children can they be deprived of their parental rights, with due regard to the best interests of the child?

Yes No

L. Confiscation and seizure of assets and proceeds of crime in trafficking in persons cases (articles 12, 13 and 14 of the Convention)

54. Has your country adopted/used any of the below listed measures?

- Procedural means such as those in article 12 of the Convention to ensure effective confiscation and seizure of assets and/or proceeds of crime
- International cooperation mechanisms for confiscation of assets (article 13 of the Convention)
- Procedural means to direct proceeds of crime or confiscated property of convicted traffickers to compensate victims (article 14, para. 2, of the Convention)
- Other measures (please specify)

If you have selected one or more of the above, please describe in detail and cite the applicable law(s) and procedures, and provide examples of their successful implementation.

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M. Special investigative techniques (article 20 of the Convention)

55. Has your country adopted/ensured any of the below listed measures?

- Standing agreement(s) with other countries for the use of co-located or non-co-located joint investigation teams in the investigation of trafficking in persons
- Proactive, intelligence-led investigative techniques
- Electronic surveillance and infiltration operations within national and international investigations (Convention article 20, para. 1)
- Other measures (please specify)

If you have selected one or more of the above, please describe in detail, and provide examples of their effective implementation of the techniques.

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V. Difficulties encountered and assistance required

56. Please describe challenges by your country in the implementation of the Trafficking in Persons 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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57. 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 trafficking in persons.
- 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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58. 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:	_____ _____ _____ _____
Telephone number:	_____
Telefax number:	_____
Email address:	_____
