

## **Selected questions from the SAQ that are relevant for non-governmental stakeholders**

### *Cluster one: criminalization and jurisdiction*

#### **ON THE CONVENTION**

##### **Criminalization: cases and judgments**

Q 27. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

##### **Difficulties encountered**

Q 28. Has your country encountered any difficulties or challenges in implementing the Convention?

##### **Need for technical assistance**

Q 32. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

#### **ON TIP**

Q 39. Does your country ensure that, when the means set forth in article 3, Qgraph (a), of the Protocol have been established, the consent of the victim to the intended exploitation is irrelevant (art. 3, Q. (b))?

##### **Criminalization: cases and judgments**

Q 45. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

##### **Difficulties encountered**

Q 46. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster I?

Q 49. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

#### **ON SOM**

##### **Difficulties encountered**

Q 61. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster I?

Q 64. In which areas would border, immigration and law enforcement officials in your country need more capacity-building?

Q 65. In which areas would criminal justice institutions in your country need more capacity-building?

## ON FIREARMS

### **Criminalization: cases and judgments**

Q 77. If possible, provide examples, relevant cases or judgments of successful implementation and enforcement for each of the criminal offences reviewed above.

### **Difficulties encountered**

Q 81 (a) Are there any difficulties with regard to the adoption of new national legislation or the implementation of national legislation?

### **Needs for technical assistance**

Q 82 (d) Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.

Q 82 (e) Please provide any other information that you believe is important to consider regarding aspects of, or difficulties in, the implementation of the Protocol other than those mentioned above.

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Clusters two: prevention, technical assistance, protection measures and other measures

## ON THE CONVENTION

### **Article 25. Assistance to and protection of victims**

Q 7. Does your country enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders involved in organized criminal activities in a manner not prejudicial to the rights of the defence (art. 25, Q. 3)?

### **Article 29. Training and technical assistance**

Q 11. Has your country been involved in efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements (art. 29, Q. 4)?

### **Article 31. Prevention**

16. Has your country developed any national projects or established and promoted best practices and policies aimed at the prevention of transnational organized crime (art. 31, Q. 1)?

### **Article 31. Prevention**

Q 17. In accordance with the fundamental principles of its domestic law, has your country adopted measures to reduce existing or future opportunities for organized criminal groups to participate in lawful markets with proceeds of crime (art. 31, Q. 2), including any of the following?

### **Difficulties encountered**

Q 23. Has your country encountered any difficulties or challenges in implementing the Convention?

### **Need for technical assistance**

Q 24. Does your country require technical assistance to overcome difficulties in implementing the Convention?

Q 27. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

### **ON TIP**

#### **Article 6. Assistance to and protection of victims of trafficking in persons**

Q 30 (f) If the answer to any of questions 30 (a)–(d) is “Yes”, States parties are invited to specify and provide, on a voluntary basis, information on cooperation with non-governmental or other relevant organizations and other elements of civil society, in appropriate cases, in the provision of the relevant measures (art. 6, Q. 3).

#### **Article 9. Prevention of trafficking in persons**

Q 38. Do the policies, programmes and other measures undertaken by your country include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (art. 9, Q. 3)?

Q 39. Has your country taken or strengthened measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking in persons, such as poverty, underdevelopment and lack of equal opportunity (art. 9, Q. 4)?

Q 40. Has your country adopted or strengthened legislative or other measures, such as educational, social or cultural measures, including through bilateral or multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking in persons (art. 9, Q. 5)?

Q 41. States are invited to share examples of their experiences and challenges, in preventing and combating trafficking in persons related to identifying, protecting and assisting persons vulnerable to trafficking and victims of such trafficking, including for the purposes of facilitating the referral of potential cases of trafficking to competent authorities and promoting cooperation with regard to all of the above.

#### **Difficulties encountered**

Q 43 (a). Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster II?

#### **Need for technical assistance**

Q 44. Does your country require technical assistance to implement the Protocol?

### **ON SOM**

#### **Article 14. Training and technical cooperation**

Q 53. Does your country cooperate, as appropriate, with international and regional organizations, civil society and other relevant stakeholders to develop and deliver training on combating the smuggling of migrants and protecting the rights of migrants who have been smuggled (art. 14, Q. 2)?

### **Article 15. Other prevention measures**

Q 54. Has your country carried out awareness-raising campaigns on the dangers of migrant smuggling (art. 15, Q. 1)?

Q 55. Has your country taken measures to reduce the vulnerability of communities to the smuggling of migrants by combating the root socioeconomic causes of such smuggling (art. 15, Q. 3)?

### **Article 16. Protection and assistance measures**

Q 56. Has your country taken any legislative or other appropriate measures to preserve and protect the rights of smuggled migrants, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 16, Q. 1, and art. 19, Q. 1)?

Q 57. Has your country taken any appropriate measures to afford smuggled migrants protection against violence that may be inflicted upon them by individuals or groups, by reason of being the object of conduct set forth in article 6 of the Protocol (art. 16, Q. 2)?

Q 58. Has your country taken any measures to enable the provision of assistance to smuggled migrants whose lives or safety are endangered (art. 16, Q. 3)?

Q 59. In implementing protection and assistance measures for smuggled migrants, do your country's laws, regulations, national strategies and policies take into account the special needs of women and children, with particular regard to access to education for children (art. 16, Q. 4)?

Q 60. 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, Q. 5)?

### **Difficulties encountered**

Q 61. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster II?

### **Need for technical assistance**

Q 62. Does your country require additional measures, resources or technical assistance to implement the Protocol effectively?

## **ON FIREARMS**

### **Difficulties encountered**

Q 89 (a). Does your country encounter difficulties in implementing the provisions of the Firearms Protocol?

Q 91 (a). Does your country have a national strategy or action plan to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition or to implement relevant regional or international instruments in this field?

### **Need for technical assistance**

Q 93 (d). Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.

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*Cluster three: law enforcement and the judicial system*

### **ON THE CONVENTION**

#### **Article 28. Collection, exchange and analysis of information on the nature of organized crime**

Q 27. Has your country established a practice of analysing, in consultation with the scientific and academic communities, trends in organized crime within its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved (art. 28, Q. 1)?

#### **Need for technical assistance**

Q 31. If the answer [Does your country require technical assistance to overcome difficulties in implementing the Convention?] is “Yes”, please specify the type of technical assistance needed.

Q 34. Please provide any other information that you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Convention other than those mentioned above.

### **ON TIP**

#### **Article 11. Border measures**

Q 36 (a). Has your country adopted legislative or other measures to prevent the means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of the Protocol (art. 11, Q. 2)?

Q 37 (a). Do the measures referred to in question 36 include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State (art. 11, Q. 3)?

#### **Difficulties encountered**

Q 44 (a). Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to cluster III?

#### **Need for technical assistance**

Q 47. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to

### **ON SOM**

#### **Article 11. Border measures**

Q 49 (a). 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, Q. 2)?

### **Difficulties encountered**

Q 54 (a). Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster III?

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*Cluster four: international cooperation, mutual legal assistance, and confiscation*

### **ON THE CONVENTION**

Q 15 (a). Does your country's legal framework permit the return of confiscated proceeds of crime or property to the requesting State party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners (art. 14, Q. 2)?

### **Article 14. Disposal of confiscated proceeds of crime or property**

#### **ON TIP**

#### **Article 8. Repatriation of victims of trafficking in persons**

Q 54 (a). Has your country facilitated and accepted the return of victims of trafficking in persons, without undue or unreasonable delay, with due regard for the safety of that person, when the victim was a national of your State or had the right of permanent residence in your State at the time of entry into the country (art. 8, Q. 1)?

Q 56 (a). Has your country given due regard for the safety of victims of trafficking in persons and for the status of any legal proceedings related to the fact that the person is a victim of trafficking in persons and that the return of that person should preferably be voluntary, when returning a victim of trafficking in persons to a State party of which that person is a national or in which he or she has a right of permanent residence (art. 8, Q. 2)?

Q 57 (a). Has your country issued travel documents or other authorization as may be necessary to enable a victim of trafficking in persons who is a national of your State or has the right of permanent residence in your State, and who is without proper documentation, to travel to and re-enter its territory (art. 8, Q. 4)?

#### **Article 10. Information exchange and training**

Q 60. Has your country provided or strengthened training that focuses on methods used in the prevention of trafficking in persons, prosecuting the traffickers or protecting the rights of victims, including protecting them from the traffickers, to the following officials (art. 10, Q. 2)?

Q 62 (a). Does the training referred to in question 60 encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (art. 10, Q. 2)?

Q 67. Please provide any other information that you believe is useful to understand your implementation of the Trafficking in Persons Protocol and information that is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider regarding aspects of, or difficulties in, the implementation of the Protocol.

#### **ON SOM**

### **Article 18. Return of smuggled migrants**

Q 72 (a). 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 or her return (art. 18, Q. 1)?

Q 76. 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 that the safety and dignity of smuggled migrants is taken into account in the process of their return (art. 18, Q. 5).

Q 77 (a). Do your country's competent authorities cooperate with relevant international organizations in implementing measures to carry out the return of smuggled migrants (art. 18, Q. 6)?

### **Difficulties encountered**

Q 79 (a). Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to cluster IV?

### **ON FIREARMS**

#### **Difficulties encountered**

Q 97. Does your country encounter difficulties in implementing the provisions of the Firearms Protocol?

#### **Need for technical assistance**

Q 101 (d). Please describe practices in your country that you consider to be good practices in relation to the control of firearms and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be of interest to other States in their efforts to implement the Firearms Protocol.