

# UNTOC Review Mechanism

## Self-assessment questionnaire submitted by Norway

### UNTOC

#### Step A

##### Article 2 - Use of Terms.

1. Does your country's legal framework include the definitions set forth in article 2?

No

Yes

**x Yes, in part**

1(a). Please explain

*Not all of the terms have a general definition specified in the Norwegian Penal Code, but the content of the Norwegian terms, as understood in the preparatory works and in case law, correspond mostly to the definitions in the convention.*

*The term organized criminal group is defined in section § 198 in the Penal Code 2005. The definition is based on the definition in UNTOC art. 2 (a), but does not fully coincide. Section 198 reads as follows:*

*“Section 198. Conspiracy to commit serious organised crime*

*Any person who enters into a conspiracy with someone to commit an act that is punishable by imprisonment for a term of at least three years, and that is to be committed as part of the activities of an organised criminal group, shall be subject to a penalty of imprisonment for a term not exceeding three years, unless the offence is subject to a stricter penal provision. An increased maximum penalty due to a repeated offence or concurrent offences is not taken into account.*

*‘Organised criminal group’ means a collaboration between three or more persons for the primary purpose of committing an act that is punishable by a sentence of imprisonment for a term of at least three years, or which to a not insignificant degree is founded on the commission of such acts.”*

*As you can read from section 198, the act the group is aiming to commit shall be punishable by imprisonment for a term of at least three years, which is a bit wider than*

*UNTOC art. 2 (b), that constitutes that the serious crime the group is aiming to commit is punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.*

2. Does your country's legal framework permit it to implement the Convention without adopting the specific definitions set forth in article 2?

No

**Yes**

Yes, in part

2(a). Please explain

*Yes, as long as the material content of the definitions/terms used in the national legislation aren't contradictory to the definitions used in the articles with the legal obligations of the convention.*

### **Article 5 - Criminalization of participation in an organized criminal group.**

3. Is participation in an organized criminal group criminalized under your country's legal framework, in accordance with article 5?

No

**Yes**

3(a). If the answer to question 3 is "Yes", does participation in an organized criminal group consist of agreeing with one or more other persons to commit a serious crime in order to obtain, directly or indirectly, a financial or other material benefit (art. 5, para. 1 (a) (i))?

No

**Yes**

Yes, in part

3(a)(i). If the answer to question 3 (a) is "Yes", does the criminal offence as provided in your domestic law require an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, para. 1 (a) (i))?

No

**Yes**

Yes, in part

3(b). If the answer to question 3 is "Yes", does participation in an organized criminal group consist of taking an active part in the criminal activities of an organized criminal group with knowledge of either the aim and general criminal activity of that group or its intention to commit the crimes concerned, or taking an active part in other activities of an organized criminal group in the knowledge that such participation will contribute to the achievement of the criminal aim of that group (art. 5, para. 1 (a) (ii))?

No

**Yes**

Yes, in part

3(c). If the answer to question 3 (a) is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*UNTOC art. 5, para. 1 (a) (i) is implemented in Norwegian law through section § 198 of the Penal Code 2005 (section 162 c of the Penal Code 1902), which reads as follows:*

*“Section 198. Conspiracy to commit serious organised crime*

*Any person who enters into a conspiracy with someone to commit an act that is punishable by imprisonment for a term of at least three years, and that is to be committed as part of the activities of an organised criminal group, shall be subject to a penalty of imprisonment for a term not exceeding three years, unless the offence is subject to a stricter penal provision. An increased maximum penalty due to a repeated offence or concurrent offences is not taken into account.*

*‘Organised criminal group’ means a collaboration between three or more persons for the primary purpose of committing an act that is punishable by a sentence of imprisonment for a term of at least three years, or which to a not insignificant degree is founded on the commission of such acts.”*

*The Penal Code section 15 contains a general criminalization of participating as an accomplice to an offence, which will cover participating as accomplice according to UNTOC art. 5, para. 1 (b):*

*“Section 15. Contribution*

*A penal provision also applies to any person who contributes to the violation, unless otherwise provided.”*

*Participation in an illegal criminal association is also criminalized pursuant to the Penal Code section 199:*

*“Section 199. Punishment for participation, etc. in an illegal criminal association*

*A penalty of imprisonment for a term not exceeding three years shall be applied to any person who participates in, recruits members into or otherwise continues the activity of a criminal association which is prohibited under § 222 e of The Criminal Procedure Act.*

*Contribution is not penalised.”*

*The Criminal Procedure Act section 222 e reads as follows:*

*“Section 222 e.*

*Following a petition from the public prosecutor, the court can by order prohibit an association when*

*a. participants in the association have committed repeated offenses against someone's life, health or freedom,*

*b. the violations are likely to cause fear in the population or the local environment of new offenses of the same nature by the association's participants, and*

*c. a ban is necessary to prevent serious crime.”*

*The provisions in section 199 of The Penal Code, and 222 e of The Criminal Procedure Act, entered into force in 2021.*

*Participation in a terrorist organisation is specifically criminalized pursuant to the Penal Code section 136 a:*

*“Section 136 a. Penalty for participation, etc. in a terrorist organisation*

*A penalty of imprisonment for a term not exceeding 6 years shall be applied to any person who forms, participates in, recruits members into or provides financial or other material support for a terrorist organisation, when the organisation has taken steps to achieve the purpose by unlawful means.*

*Contribution is not penalised.”*

3(d). If the answer to question 3 (a) is “Yes in part” or “No”, please specify how participation in a criminal group is treated under your country’s framework.

4. If your domestic law requires an act in furtherance of the agreement, has your country so informed the Secretary-General of the United Nations, as required under article 5, paragraph 3?

No

**x Yes**

5. Does your country’s legal framework establish as criminal offences the acts of organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group (art. 5, para. 1 (b))?

No  
 **Yes**  
Yes, in part  
5(a). Please explain, if needed.

*See the answer under letter c.*

#### **Article 6 – Criminalization of the laundering of proceeds of crime.**

6. Is the laundering of proceeds of crime criminalized under your country's legal framework, in accordance with article 6, paragraph 1 (a), of the Convention (art. 6, paras. 1 (a) (i)–(ii))?

No  
Yes  
Yes, in part

6(a). If the answer is “Yes, in part”, please specify the manner in which the laundering of proceeds of crime is criminalized under your country's legal framework.

7. Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime criminalized under your country's legal framework (art. 6, para. 1 (b) (i))?

No  
 **Yes**  
Yes, in part

7(a). Please explain briefly

*The Penal Code section 332 forbids to receive proceeds from crime. Section 332 reads as follows:*

*“Section 332. Receiving proceeds from crime*

*The penalty for receiving proceeds from crime shall be applied to any person who receives or obtains for himself/herself or others part of the proceeds of a criminal act. Objects, claims or services also represent proceeds. Receiving proceeds from crime is punishable even if no one is liable to punishment for the act from which the proceeds originate due to unaccountability, see section 20.*

*The first paragraph shall not apply to any person who receives the proceeds for ordinary maintenance of himself/herself or others from a person who is obligated to provide such maintenance, or any person who receives the proceeds as normal payment for normal consumer goods, utility articles or services.*

*The penalty for receiving proceeds from crime is a fine or imprisonment for a term not exceeding two years.”*

*The offences of aggravated and minor receiving of proceeds from crime are regulated in section 333 and 334 of The Penal Code, and read as follows:*

*“Section 333. Aggravated receiving of proceeds from crime*

*Aggravated receiving of proceeds from crime is punishable by imprisonment for a term not exceeding six years. In determining whether the receiving of proceeds from crime is aggravated, particular weight shall be given to the sort of act the proceeds originate from, whether the advantage gained by the perpetrator is considerable, and whether the offender has received proceeds from crime on a regular basis. If the proceeds received originate from a narcotic drugs offence, weight shall also be given to the nature and quantity of the substance with which the proceeds are connected.*

*If the proceeds originate from aggravated robbery, aggravated human trafficking or an especially aggravated narcotic drugs offence, the penalty is imprisonment for a term not exceeding 15 years.”*

*“Section 334. Minor receiving of proceeds from crime*

*A penalty of a fine shall be applied to any person who is guilty of receiving proceeds from crime when culpability is low because the act from which the proceeds originate, the scale of the proceeds or circumstances in general suggest it.”*

*The criminal legislation only applies to intentional offences unless otherwise provided, see The Penal Code section 21. However, the negligent receiving of proceeds from crime is punishable after section 335 of The Penal Code:*

*“Section 335. Negligent receiving of proceeds from crime*

*Negligent receiving of proceeds from crime as specified in sections 332 and 333 is punishable by a fine or imprisonment for a term not exceeding two years.”*

*Conspiracy to receive proceeds from crime is punishable after section 336 of The Penal Code:*

*“Section 336. Conspiracy to receive proceeds from crime*

*Any person who enters into a conspiracy with another person to receive proceeds from crime as specified in section 332 shall be subject to a fine or imprisonment for a term not exceeding two years.”*

*Money laundering is punishable pursuant to The Penal Code section 337-341. The main rule is located in section 337, and reads as follows:*

*“Section 337. Money laundering*

*The penalty for money laundering shall be applied to any person who*

*a. provides assistance in safeguarding the proceeds of a criminal act for another person by, for example, collecting, storing, concealing, transporting, sending, transferring, converting, disposing of, pawning or investing them, or*

*b. by converting or transferring assets or by other means conceals or obscures where the proceeds of a criminal act he/she has personally committed are located or originate from, who controls them, their movements or rights associated with them.*

*Objects, claims or services also represent proceeds.*

*Money laundering is punishable even if no one is liable to punishment for the act from which the proceeds originate due to unaccountability, see section 20.*

*The penalty for money laundering is a fine or imprisonment for a term not exceeding two years.”*

*The offences of aggravated and minor money laundering are regulated in section 338 and 339 of The Penal Code, and read as follows:*

*“Section 338. Aggravated money laundering*

*Aggravated money laundering is punishable by imprisonment for a term not exceeding six years. In determining whether the money laundering is aggravated, particular weight*

*shall be given to the sort of act the proceeds originate from, whether the proceeds the money launderer has dealt with are of considerable value, and whether the offender has laundered money on a regular basis. In the case of proceeds originating from a narcotic drugs offence, weight shall also be given to the nature and quantity of the substance with which the proceeds are connected.*

*If the proceeds originate from aggravated robbery, aggravated human trafficking or an especially aggravated narcotic drugs offence, the penalty is imprisonment for a term not exceeding 15 years.”*

*“Section 339. Minor money laundering*

*A penalty of a fine shall be applied to any person who is guilty of money laundering when culpability is low because the act from which the proceeds originate, the value of the proceeds the money launderer has dealt with and circumstances in general suggest it.”*

*Negligent money laundering is punishable after section 340 in The Penal Code:*

*“Section 340. Negligent money laundering*

*Negligent money laundering as specified in sections 337 and 338 is punishable by a fine or imprisonment for a term not exceeding two years.”*

*Conspiracy to commit money laundering is punishable after section 341 of The Penal Code:*

*“Section 341. Conspiracy to commit money laundering*

*Any person who enters into a conspiracy with another person to commit money laundering as specified in section 337 or section 338 shall be subject to a fine or imprisonment for a term not exceeding two years.”*

8. Are participation in, association with and conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of a money-laundering offence criminalized under your country`s legal framework (art. 6, para. 1 (b) (ii))?

No

**x Yes**



Yes, in part

8(a). Please explain briefly

*The Penal Code section 15 contains a general criminalization of participating as an accomplice to an offence, which will cover participating as accomplice according to UNTOC art. 6 para. 1 (b):*

*“Section 15. Contribution*

*A penal provision also applies to any person who contributes to the violation, unless otherwise provided.”*

*Pursuant to The Penal Code section 341 also conspiracy to commit money laundering is criminalized. This section reads as follows:*

*“Section 341. Conspiracy to commit money laundering*

*Any person who enters into a conspiracy with another person to commit money laundering as specified in section 337 or section 338 shall be subject to a fine or imprisonment for a term not exceeding two years.”*

9. If the answer to question 6, 7 or 8 is “Yes”, are all serious crimes and the offences covered by the Convention and the Protocols to which your State is a party predicate offences under your domestic law to the offence of money-laundering (art. 6, para. 2 (a) and (b))?

No

**x Yes**

9(a). If the answer is “No”, please specify which of the offences covered by the Convention and the Protocols to which your State is a party are not predicate offences under your domestic law to the offence of money-laundering (art. 6, para. 2 (b)).

10. Please provide information on the scope of predicate offences set out in your domestic law, including any list of specific predicate offences that may be set out by your domestic law; indicate, for example, the relevant acts and article numbers (art. 6, para. 2 (b)).

*Our law is general and is not limited to serious crimes or certain types of offences. However, the type of offense that the proceeds originate from, shall be given weight when assessing whether the offense should be considered as serious.*

*See for example The Penal Code section 338 on aggravated money laundering which reads as follows:*

*“Section 338. Aggravated money laundering*

*Aggravated money laundering is punishable by imprisonment for a term not exceeding six years. In determining whether the money laundering is aggravated, particular weight shall be given to the sort of act the proceeds originate from, whether the proceeds the money launderer has dealt with are of considerable value, and whether the offender has laundered money on a regular basis. In the case of proceeds originating from a narcotic drugs offence, weight shall also be given to the nature and quantity of the substance with which the proceeds are connected.*

*If the proceeds originate from aggravated robbery, aggravated human trafficking or an especially aggravated narcotic drugs offence, the penalty is imprisonment for a term not exceeding 15 years.”*

11. Does your country’s legal framework include predicate offences committed outside your country’s jurisdiction (art. 6, para. 2 (c))?

No

Yes

**x Yes, in part**

11(a). If the answer is “Yes” or “Yes, in part”, please describe the circumstances under which a predicate offence committed in a foreign jurisdiction may be recognized pursuant to your domestic law.

*As mentioned and cited above, the penal provisions regarding the receiving of proceeds from crime and money laundering applies to those who receive/obtain or provide to secure/convert/transfer etc. “the proceeds of a criminal act”, see sections 332 and 337 of the Penal Code. It is specified in the preparatory works that these provisions apply regardless of whether Norway has criminal jurisdiction over the “criminal act” that the proceeds come from. Furthermore, it has been specified in case law that a “criminal act” in these sections will be fulfilled if the act is punishable in the country of the offense and according to its nature is also punishable in Norway.*

12. Has your country furnished copies of its laws that give effect to article 6 and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations (art. 6, para. 2 (d))?

12(a). If yes, please provide a link.

12(b). If not, please provide this information

*Art. 6 is already fulfilled with the rules mentioned above, see The Penal Code sections 337-341.*

**Article 8 – Criminalization of corruption.**

13. Is the conduct described in article 8, paragraph 1 (a), criminalized in your country’s legal framework?

No

Yes

Yes, in part

13(a). Please explain briefly

14. Is the conduct described in article 8, paragraph 1 (b), criminalized in your country's legal framework?

No

Yes

Yes, in part

14(a). Please explain briefly

15. Is the form of corruption described in article 8, paragraph 1, involving a foreign public official or international civil servant criminalized in your country's legal framework (art. 8, para. 2)?

No

Yes

Yes, in part

15(a). If appropriate, please explain briefly

16. Is any other form of corruption established as a criminal offence in your country's legal framework (art. 8, para. 2)?

No

Yes

Yes, in part

16(a). If appropriate, please explain briefly

17. Is participation as an accomplice in offences established in accordance with article 8 criminalized under your country's legal framework (art. 8, para. 3)?

No

Yes

#### **Article 9 – Measures against corruption.**

18. Has your country adopted measures to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

No

Yes

18(a). If the answer is "Yes", please specify the measures implemented to promote integrity and to prevent, detect and punish the corruption of public officials.

19. Has your country taken measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions (art. 9, para. 2)?

No

Yes

19(a). If the answer is "Yes", please specify the measures implemented to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

#### **Article 10 – Liability of legal persons.**

20. Is the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences covered by the Convention and the Protocols to which your State is a party established under your country's legal framework (art. 10)

No

**Yes**

Yes, in part

20(a). If the answer is “Yes, in part” or “No”, please explain

21. If the answer is “Yes”, is this liability:

21(a). Criminal:

No

**Yes**

21(b). Civil:

No

**Yes**

21(c). Administrative:

No

**Yes**

22. What kind of sanctions are provided for in your country’s legal framework to implement article 10, paragraph 4, bearing in mind article 11, paragraph 6, of the Convention?

*Norwegian law has a wide range of sanctions against legal persons. The Penal Code section 27 establishes criminal liability for legal persons. Section 27 is not connected to any specific offences, and is thus relevant to all the offences of the convention and its protocols.*

*The Penal Code section 27 reads as follows:*

*“Section 27. Penalties for enterprises*

*When a penal provision is violated by a person who has acted on behalf of an enterprise, the enterprise is liable to punishment. This applies even if no single person meets the culpability or the accountability requirement, see section 20.*

*‘Enterprise’ means a company, co-operative society, association or other organisation, sole proprietorship, foundation, estate or public body.*

*The penalty is a fine. The enterprise may also be sentenced to lose the right to operate, or may be prohibited from operating in certain forms, see section 56, and be subject to confiscation, see chapter 13.”*

*Factors determining whether a penalty shall be imposed on an enterprise is regulated in section 28 of The Penal Code, which reads as follows:*

*“Section 28. Factors in determining whether a penalty shall be imposed on an enterprise*

*In determining whether an enterprise shall be penalised pursuant to section 27, and in assessing the penalty, considerations shall include*

- a. the preventive effect of the penalty,*
- b. the severity of the offence, and whether a person acting on behalf of the enterprise has acted culpably,*
- c. whether the enterprise could have prevented the offence by use of guidelines, instruction, training, checks or other measures,*
- d. whether the offence has been committed in order to promote the interests of the enterprise,*
- e. whether the enterprise has had or could have obtained any advantage by the offence,*
- f. the financial capacity of the enterprise,*
- g. whether other sanctions arising from the offence are imposed on the enterprise or a person who has acted on its behalf, including whether a penalty is imposed on any individual person, and*
- h. whether agreements with foreign states prescribe the use of enterprise penalties.”*

*We can also mention that in various areas, legal persons contravening with the law can be made subject to administrative sanctions. The power to issue such sanctions is often placed with a national supervising body.*

*In addition to this, the legal person may be liable to pay compensation to victims of the offence (non-criminal).*

#### **Article 15 – Jurisdiction.**

23. Are there any circumstances under which your country does not have jurisdiction over offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party committed in its territory (art. 15, para. 1 (a))?

**No**

**Yes**

23(a). If the answer is “Yes”, please specify the circumstance(s) under which your country does not have jurisdiction over offences committed in its territory.

24. Does your country have jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party when the offences are committed on board a vessel flying its flag or an aircraft registered under its laws (art. 15, para. 1 (b))?

No

Yes

Yes, in part

24(a). If the answer is “Yes” or “Yes, in part”, please specify the manner in which your country has jurisdiction to prosecute the offences covered by the Convention and the Protocols to which it is a party, in accordance with article 15, paragraph 1 (b).

*This is regulated in The Penal Code section 4 litra c. The Penal Code section 4 reads as follows:*

*“Section 4. Application of the criminal legislation to acts committed in Norway and in areas under Norwegian jurisdiction, etc.*

*The criminal legislation applies to acts committed in Norway, including in Svalbard, on Jan Mayen and in the Norwegian dependencies, see the Act of 27 February 1930 No. 3.*

*The criminal legislation also applies to acts committed*

*a. on installations on the Norwegian continental shelf for exploration for or exploitation or storage of submarine natural resources and on pipelines and other fixed transport facilities connected to such installations, including ones located elsewhere than on the Norwegian continental shelf,*

*b. in the area of jurisdiction established pursuant to the Act of 17 December 1976 No. 91 relating to the Economic Zone of Norway, in the case of acts that harm interests that Norwegian jurisdiction is intended to protect, and*

*c. on Norwegian vessels, including aircraft, and drilling platforms or similar movable installations. If a vessel or installation is in or above the territory of another state, the criminal legislation applies only to an act committed by a person on board the vessel or installation.”*

25. Does your country’s legal framework allow for the following extraterritorial jurisdictional bases:

25(a). Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when

committed outside its territory by its nationals (or stateless persons who have habitual residence in the country) (art. 15, para. 2 (b))?

No

**Yes**

25(b). Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory against its nationals (art. 15, para. 2 (a))?

**No**

Yes

25(c). Jurisdiction to prosecute participation in an organized criminal group that occurred outside its territory with a view to the commission of a serious crime (art. 2, para. (b)) within its territory (art. 15, para. 2 (c) (i))?

**No**

Yes

25(d). Jurisdiction to prosecute ancillary offences related to money-laundering offences committed outside its territory with a view to the commission of the laundering of proceeds of crime in its territory (art. 15, para. 2 (c) (ii))?

**No**

Yes

### **Article 23 - Obstruction of Justice**

26. Is obstruction of justice in relation to offences covered by the Convention and the Protocols to which your country is a party criminalized under your country's legal framework, in accordance with article 23 of the Convention?

No

**Yes**

Yes, in part

26(a). Please explain briefly

*Section 157–159 of the Penal Code make it a criminal offence to influence a participator in legal proceedings (or any of his next-of-kin) by means of violence, threats, damage to property or other unlawful conduct. Section 157 on obstruction of justice is relevant in all criminal and civil cases, and is not linked to cases concerning specific offences. The Penal Code section 157 reads as follows:*

*“Section 157. Obstruction of justice*

*A penalty of imprisonment for a term not exceeding six years shall be applied to any person who by violence, threats, vandalism or other illegal conduct with respect to a participant in the justice system or any of his/her next-of-kin*

*a. acts in a manner that is likely to influence the participant to perform or omit to perform an act, work or a service in connection with criminal proceedings or a civil case, or*

b. *retaliates for an act, work or a service the participant has performed in connection with criminal proceedings or a civil case.*

*'Participant in the justice system' means any person who*

a. *is the aggrieved party in criminal proceedings, has reported a criminal offence or has instituted proceedings in a civil case,*

b. *has given evidence to the police, the prosecuting authority, the court, the correctional services or the Norwegian Criminal Cases Review Commission,*

c. *works or performs a service for a body specified in b),*

d. *is a permanent or appointed defence counsel, counsel for an aggrieved party or litigation counsel, or*

e. *is considering performing such an act or accepting such work or such a service.*

*The first paragraph applies correspondingly to officials of the International Criminal Court."*

*Furthermore, The Penal Code section 158 on aggravated obstruction of justice and section 159 on grossly negligent obstruction of justice read as follows:*

*"Section 158. Aggravated obstruction of justice*

*Aggravated obstruction of justice is punishable by imprisonment for a term not exceeding 10 years. In determining whether the obstruction is aggravated, particular weight shall be given to whether the violation has put another person's life or health at risk or has been committed on multiple occasions, by multiple persons acting together or in a systematic or organised manner.*

*If the offence has been committed as part of the activities of an organised criminal group, or if the act has been performed with threats of or use of weapons, the penalty is imprisonment for a term of at least one year."*



*“Section 159. Grossly negligent obstruction of justice*

*Grossly negligent obstruction of justice is punishable by a fine or imprisonment for a term not exceeding three years.”*

*It is also punishable to obstruct an official investigation by tampering with evidence or evade prosecution, see The Penal Code section 160, which reads as follows:*

*“Section 160. Tampering with evidence and evasion of prosecution, etc.*

*Any person who obstructs an official investigation into an offence by participating in the obliteration, removal, destruction, alteration, planting or fabrication of objects that may constitute evidence, or in other ways obliterates the traces of the act, shall be subject to a penalty of a fine or imprisonment for a term not exceeding two years.*

*The same penalty applies to any person who contributes to another person's evasion of prosecution by flight, for example by concealing him/her or pretending that he/she is a different person.*

*A penalty pursuant to the first paragraph shall not be applied to any person who seeks to evade prosecution of himself/herself. A penalty pursuant to the second paragraph shall not be applied to any person who has enabled his/her next-of-kin to evade prosecution.*

*A penalty of a fine or imprisonment for a term not exceeding six months shall be applied to any person who unlawfully makes contact with a person who has been remanded in custody or unlawfully procures objects for him/her.*

*The first to fourth paragraphs apply correspondingly to prosecution in a case under the jurisdiction of the International Criminal Court.”*

### **Criminalization: cases and judgements**

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**

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

**No**

Yes

28(a). If the answer is “Yes”, please specify:

Problems with the formulation of legislation

Need for further implementing legislation (laws, regulations, decrees, etc.)

Reluctance of practitioners to use existing legislation

Insufficient dissemination of existing legislation

Limited inter-agency coordination

Specificities of the legal system

Competing priorities for the national authorities

Limited resources for the implementation of existing legislation

Limited cooperation with other States

Lack of awareness of the existing legislation

Other issues (please specify)

### **Need for technical assistance**

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

**No**

Yes

30. If the answer is “Yes”, please specify the type of technical assistance needed.

31. Which of the following forms of technical assistance, if available, would assist your country in fully implementing the provisions of the Convention? In identifying the forms of technical assistance as listed below, please also indicate for which provisions of the Convention such assistance would be needed.

Legal advice

Legislative drafting support

Model legislation or regulations

Model agreements

Standard operating procedures

Development of strategies, policies or action plans

Dissemination of good practices or lessons learned

Capacity-building through the training of practitioners or trainers

On-site assistance by a mentor or relevant expert

Institution-building or the strengthening of existing institutions

Prevention and awareness-raising

Technological assistance

Establishment or development of information technology infrastructure, such as databases or communication tools

Measures to enhance regional cooperation

Measures to enhance international cooperation

Other assistance (please specify)

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.

# TIP

## Step A

### Article 3 - Use of Terms - and Article 5 – Criminalization.

33. Is trafficking in persons, when committed intentionally, criminalized under your country's legal framework (art. 5, para. 1, in conjunction with art. 3)?

No

Yes

Yes, in part

33(a). If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

#### *The Penal Code 2005*

##### *Section 257.Human trafficking*

*Any person who by violence, threats, taking advantage of a vulnerable situation or other improper conduct forces, exploits or deceives another person into/for*

- a. prostitution or other sexual services,
- b. forced labour or forced services, including begging,
- c. active military service in a foreign country, or
- d. consenting to the removal of one of the person's internal organs,

*shall be punished for human trafficking with imprisonment for a term not exceeding six years.*

*The same penalty shall be applied to any person who*

- a. facilitates such force, exploitation or deception as specified in the first paragraph by procuring, transporting or receiving the person,
- b. otherwise contributes to the force, exploitation or deception, or provides payment or any other advantage to obtain consent for such a course of action
- c. from a person who has authority over the aggrieved person, or who receives such payment or advantage.

*Any person who commits an act as specified in the first or second paragraph against a person who is under 18 years of age shall be subject to punishment regardless of whether the act involved violence, threats, taking advantage of a vulnerable situation or other improper conduct. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be subject to a penalty if he/she may be held to blame in any way for such ignorance.*

##### *Section 258.Aggravated human trafficking*

*Aggravated human trafficking is punishable by imprisonment for a term not exceeding 10 years. In determining whether the violation is aggravated, particular weight shall be given to whether the person subjected to the act was under 18 years of age, whether severe violence or force was used and whether the act generated significant proceeds. Any person who was ignorant of the fact that the aggrieved person was under 18 years of age shall be punished if he/she may be held to blame in any way for such ignorance.*

34. If the answer to question 33 is “Yes, in part” or “No”, please specify how trafficking in persons is treated under your country’s legal framework.

35. If the answer to question 33 is “Yes”, is trafficking in persons treated as a criminal offence in your country, in accordance with article 3, paragraph (a), of the Protocol (combination of three elements: action, means and purpose of exploitation)?

No

**x Yes**

35(a). Please explain

36. If the answer to question 33 is “Yes”, are the following actions of trafficking in persons criminalized in your country (art. 3, para. (a))?

36(a). Recruitment

No

**x Yes**

36(b). Transportation

No

**x Yes**

36(c). Transfer

No

**x Yes**

36(d). Harboring

No

**x Yes**

36(e). Receipt of persons

No

**x Yes**

36(f). Other actions, please specify

36(g). Please provide further detail, if needed

37. If the answer to question 33 is “Yes”, do the means of trafficking in persons consist of any of the following (art. 3, para. (a))?

37(a). Threat or the use of force or other forms of coercion

No

**x Yes**

37(b). Abduction

No

**x Yes**

37(c). Fraud

No

**x Yes**

37(d). Deception

No

**x Yes**

37(e). Abuse of power

No

**x Yes**

37(f). Abuse of position of vulnerability

No

**x Yes**

37(g). The giving or receiving of payments or benefits to achieve the consent of a person having control over another person

No

**x Yes**

37(h). Other means, please specify.

37(i). Please provide further details, if needed.

38. If the answer to question 33 is “Yes”, does the purpose of exploitation include, at a minimum, any of the following (art. 3, para. (a))?

38(a). The exploitation of the prostitution of others or other forms of sexual exploitation

No

**x Yes**

38(b). Forced labour or services

No

**x Yes**

38(c). Slavery or practices similar to slavery

**x No**

Yes

38(d). Servitude

No

**x Yes**

38(e). The removal of organs

No

**x Yes**

38(f). Other purpose, please specify.

38(g). Please provide further details, if needed.

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

No

**x Yes**

39(a). Please explain

40. Does your country’s legal framework criminalize trafficking in children (recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation) even where it does not involve any of the means set forth in article 3, paragraph (a), of the Protocol (art. 3, para. (c))?

No

**x Yes**

40(a). If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

41. Who is considered to be a “child” under your country’s legal framework (art. 3, para. (d)):

**x “Child” means any person under 18 years of age (art. 3, para. (d))?.**

Other? Please specify.

42. Subject to the basic concepts of your legal framework, does your country criminalize attempting to commit trafficking in persons (art. 5, para. 2 (a), in conjunction with art. 3)?

No

**x Yes**

Yes, in part

42(a). Please explain. If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

### ***Penal code 2005***

#### ***Section 16.Attempt***

*Any person who intends to commit an offence which is punishable by imprisonment for a term of one year or more, and performs an action leading directly to its commission, shall be penalised for attempt, unless otherwise provided*

42(b). If your answer is “No”, do the basic concepts of your legal framework prevent the adoption of measures to criminalize attempting to commit trafficking in persons?

43. Does your country criminalize participating as an accomplice in trafficking in persons (art. 5, para. 2 (b), in conjunction with art. 3)?

No

**x Yes**

Yes, in part

43(a). Please provide further details, if needed.

### ***Penal code 2005***

#### ***Section 15.Contribution***

*A penal provision also applies to any person who contributes to the violation, unless otherwise provided*

43(b). If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

44. Does your country criminalize organizing or directing other persons to commit trafficking in persons (art. 5, para. 2 (c), in conjunction with art. 3)?

No

**x Yes**

Yes, in part

44(a). If your answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

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

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.

*Attached is Supreme Court judgment from 2017 in english version. Note that for acts committed before October 2015 the relevant section for trafficking in the previous penal code was 224.*

### **Summary Supreme Court case HR-2016-2491-A**

*The punishment for violation of Section 224, subsection 1, letter a of the Penal Code (1902), cf. Section 60a, was set at a term of imprisonment of five years and six months for the main perpetrator and four years for an accomplice.*

*The main perpetrator had used two women from Bulgaria for prostitution in Norway over a period of approximately one year, and with proceeds of approximately NOK 1 million. The accomplice was also found guilty of having used a third woman over a period of approximately three weeks, with proceeds of approximately NOK 30,000.*

*The Supreme Court sustained the women's claim for repayment of the proceeds from the prostitution business, which the convicted persons had taken from them. It was not deemed decisive that the claim arose from unwanted activities, and it was pointed out that selling sexual services is not illegal. The accomplice, who had not received any of the proceeds from the first two women, was still considered liable for their claim based on the law of torts.*

*The three aggrieved parties were also awarded damages for non-economic loss from the convicted persons jointly with NOK 200,000 to each of the first two women and NOK 100,000 to the third woman.*

### **Summary Supreme Court case HR-2013-104-A**

*The punishment for violations of section 224 of the Penal Code was set at 5 years and 4 years and six months respectively for two defendants. They had transported four minors from Lithuania to Norway and here forced them to commit extensive thefts. The Supreme Court stated that there must be a disproportionate relationship between the defendants and the victims in order to establish exploitation and that forced labour presupposes the exercising of some sort of pressure, even though the requirements as regards the force that must be exerted are not strict. These conditions were satisfied.*

*In the sentencing the Supreme Court attached importance to the exploitation of minors and that the mobile crime for the purpose of gain was extensive and appeared to be organised. The use of a car was a key element in the defendants' activities. There was also a strong connection between the use of the car and the criminal acts. The conditions for the loss of the right to drive based on «the deterrent effect», cf. section 33 no. 1 subsection 1, of the Road Traffic Act, cf. section 2-6 subsection 1 cf. no. 4, of the Right to Drive Regulation were accordingly satisfied.*

*The quantum of damages for non-economic loss for the four victims was set at NOK 40 000 for each, cf. section 3-5 subsection 1 of the Compensatory Damages Act. Reference was made to the fact that the minors were in a very vulnerable situation and had felt under pressure to commit the thefts*

### **Difficulties encountered**

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

**No**

Yes

46(a). If the answer is “Yes”, please explain.

### **Need for technical assistance**

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

**No**

Yes

47(a). If the answer is “Yes”, please indicate the type of assistance required:

Assessment of criminal justice response to trafficking in persons

Legal advice or legislative drafting support

Model legislation, regulations or agreements

Development of strategies, policies or action plans

Good practices or lessons learned

Capacity-building through the training of criminal justice practitioners and/or the training of trainers

Capacity-building through awareness-raising among the judiciary

On-site assistance by a relevant expert

Institution-building or the strengthening of existing institutions

Prevention and awareness-raising

Technological assistance and equipment

47(b). Please be specific.

Question \_47b \_option \_1

Development of data collection or databases

Workshops or platforms to enhance regional and international cooperation

Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures

Other (please specify)

48. Is your country already receiving technical assistance in those areas?

**No**

Yes

48(a). If the answer is “Yes”, please specify the area of assistance and who is providing it.

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.



# SOM

## Step A

### Article 3 – Use of Terms - Article 5 – Criminal liability of migrants and Article 6 Criminalization

50. Is the smuggling of migrants criminalized under your domestic legal framework (art. 6, para. 1)?

No

**x Yes**

50(a). If the answer is “No”, please explain.

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

*Yes*

51. Is in particular the purpose of obtaining a “financial or other material benefit” a constituent element of the offence, in accordance with article 6, paragraph 1, in conjunction with article 3, paragraph (a), of the Protocol?

No

**x Yes**

52. Can the presence of a “financial or other material benefit”, when appropriate, constitute an aggravating circumstance of the crime?

No

**x Yes**

52(a). Please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

*Immigration Act*

*Section 108, fourth and fifth paragraphs*

53. Does your country’s legal framework make a distinction between the smuggling of migrants and trafficking in persons?

No

**x Yes**

53(a). If the answer is “No”, please explain.

54. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3, para. (c)) for the purpose of smuggling migrants criminalized under your country’s legal framework (art. 6, para. 1 (b)), or as a related offence or offences?

No

**x Yes**

54(a). If the answer is “Yes”, please specify.

*Immigration Act, Section 108, third paragraph,*

*The Penal Code, Section 361 and 362*

55. 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 54 or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c))?

No

**Yes**

56. Does your country's legal framework establish as a criminal offence the attempt to commit the offences referred to in questions 50, 54 and 55 (art. 6, para. 2 (a), in conjunction with art. 6, para. 1)?

No

**Yes**

56(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

*Immigration Act section 108 and Penal Code section 16:*

### ***Section 16. Attempt***

*Any person who intends to commit an offence which is punishable by imprisonment for a term of one year or more, and performs an action leading directly to its commission, shall be penalised for attempt, unless otherwise provided*

57. Is participating as an accomplice in the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (b), in conjunction with art. 6, para. 1)?

No

**Yes**

57(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions

### ***Penal Code section 15***

#### ***Section 15. Contribution***

*A penal provision also applies to any person who contributes to the violation, unless otherwise provided*

58. Is organizing or directing other persons to commit the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (c), in conjunction with art. 6, para. 1)?

No

**Yes**

58(a). If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

*Will normally be considered as contribution*

59. Does your country adopt such legislative and other measures as might be necessary to establish as aggravating circumstances to any of the offences referred to in questions 50, 54, 55, 57 and 58, 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, in conjunction with art. 6, paras. 1 and 2)?

No

**Yes**

59(a). If the answer is “Yes”, please cite the applicable laws and/or other measures, including the applicable sanctions.

*Immigration Act section 108, paragraph 5 b*

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

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

***Supreme court appeal committee case 2019:** A man who had helped his nephew with illegal entry from Italy to Norway was convicted in the Court of Appeal for violating the Immigration Act section 108 fourth paragraph letter b. The nephew had stayed in Italy for a month before he came to Norway. The case raised questions as to whether Article 31 No. 1 of the Refugee Convention could lead to the aid not being punishable after all. However, the Court of Appeal had not discussed the relationship with this provision in the Refugee Convention. The appeal committee quashed the Court of Appeal's judgment and appeal proceedings.*

***Supreme Court appeals committee case 2010:** The case concerned sentencing in a case of assistance to illegal entry. A man was convicted of having assisted 28 people to illegally enter Norway or another Schengen state, cf. Immigration Act 1988 Section 47. The Supreme Court's appeals committee found that the Court of Appeal had placed sufficient emphasis on the fact that the case had become old, that the assistance had been carried out without profit motive and that the convict confessed to the circumstances. The sentence of imprisonment for 1 year and 4 months was appropriate and the appeal was therefore dismissed.*

***Supreme Court case 2004:** The case concerned sentencing for organized human trafficking, cf. Immigration Act 1988 section 47 fourth and fifth paragraphs. On five different occasions, the convicted person had assisted a total of twelve Chinese with a plan to get out of Norway and to England. The Supreme Court emphasized that the activity had taken place for the purpose of profit with illegally acquired passports, the general seriousness of the crime and the legislature's raising of the upper penalty limit. On the basis of Rt-2002-4 and Rt-2002-8, the sentence was set to prison for 1 year and 8 months.*

### **Difficulties encountered**

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

**No**

Yes

61(a). If the answer is “Yes”, please explain.

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

### **Need for technical assistance**

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

**No**

Yes

63(a). If the answer is “Yes”, please indicate the type of assistance required to implement the Protocol:

Assessment of criminal justice response to the smuggling of migrants

Legal advice or legislative drafting support

Model legislation, regulations or agreements

Development of strategies, policies or action plans

Good practices or lessons learned

Capacity-building through the training of criminal justice practitioners and/or the training of trainers

Capacity-building through awareness-raising among the judiciary

On-site assistance by a relevant expert

Institution-building or the strengthening of existing institutions

Prevention and awareness-raising

Technological assistance and equipment (please be specific)

Development of data collection or databases

Workshops or platforms to enhance regional and international cooperation

Specialized tools, such as e-learning modules, manuals, guidelines and standard operating procedures

Other (please specify)

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

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

66. Is your country already receiving technical assistance in those areas?

No

Yes

66(a). If the answer is “Yes”, please specify the area of assistance and who is providing it.

# FA

## Step A

### General information

67. States are invited to list other multilateral, regional or bilateral international firearms control regimes to which they are a party.

*Norway is a party to Directive (EU) 2021/555 - a legal act of the European Union which sets minimum standards regarding civilian firearms acquisition and possession.*

### Article 3 – Use of terms.

68. Does your country's legal framework permit your country to implement the Firearms Protocol without adopting the specific definitions set forth in article 3 of the Firearms Protocol?

No

Yes

**x Yes, in part**

68(a). Please explain

*Yes, as long as the material content of the definitions/terms used in the national legislation aren't contradictory to the definitions used in the articles with the legal obligations of the convention.*

69. Does your country's legal framework include definitions for the following terms?

69(a). Firearms (art. 3, para. (a))

No

**x Yes**

Yes, in part

69(a)(i). If the answer is "Yes" or "Yes, in part", are antique firearms and their replicas excluded from the definition of firearms?

No

**x Yes**

69(a)(ii). Please indicate any method or threshold used to exclude antique firearms and describe any criterion used to exclude replicas from the scope of application of your country's national laws on firearms.

*Firearm Regulation 2021: Section 2-3. Firearms that are exempt from the license requirement*

*The following firearms are exempt from the license requirement:*

*9. black powder weapons manufactured before 1890*

69(a)(iii). If the answer to question 69 (a) is "Yes" or "Yes, in part", do weapons that may be readily converted to expel a shot, bullet or projectile by the action of an explosive fall under the definition of firearms in your country's legal framework (art. 3, para. (a))?

No

**x Yes**

69(b). Parts and components of firearms (art. 3, para. (b))

No

**x Yes**

69(c). Ammunition (art. 3, para. (c))

No

**x Yes**

69(c)(i). If the answer is “Yes”, please indicate which of the components of ammunition referred to in article 3, paragraph (c), are themselves subject to authorization in your country.

*See attachment*

69(d). Tracing (art. 3, para. (f))

**x No**

Yes

69(e). Other definitions relevant to the implementation of the Firearms Protocol (please cite them).

69(f). If the answer to any of the follow-up questions 69 (a) to (e) is “Yes”, please cite the relevant laws or regulations and definitions.

#### **Article 5 – Criminalization.**

70. Is the illicit manufacturing or assembly of firearms, their parts and components, and ammunition, when committed intentionally, a criminal offence under your country’s legal framework, according to article 5, paragraph 1 (a), in conjunction with article 3, paragraph (d)?

No

**x Yes**

Yes, in part

70(a). If the answer is “Yes, in part” or “No”, please explain, if needed.

70(b). If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of the illicit manufacturing or assembly of firearms, their parts and components, and ammunition?

70(b)(i). The manufacturing or assembly of firearms from illicitly trafficked parts and components (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (i))

No

**x Yes**

Yes, in part

70(b)(ii). The manufacturing or assembly of firearms, their parts and components and ammunition without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

No

**x Yes**

Yes, in part

70(b)(iii). The reactivation of deactivated firearms or essential parts thereof without a licence or authorization from a competent national authority (art. 5, para. 1 (a), and art. 3, para. (d) (ii), in conjunction with art. 9 (1))

No

**x Yes**

Yes, in part

70(b)(iv). The conversion of weapons into a firearm without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

No

**x Yes**

Yes, in part

70(b)(v). The manufacturing or assembly of firearms, without marking them at the time of manufacture or with markings that do not meet the requirements of article 8 of the Firearms Protocol (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (iii))

No

**x Yes**

Yes, in part

70(c). If the answer to any of these questions is “Yes” or “Yes, in part”, please cite for each of these modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

70(d). If the answer to any of these questions is “Yes, in part” or “No”, please explain how the modalities of the illicit manufacturing or assembly of firearms, their parts and components and ammunition are treated under your country’s legal framework.

71. Is the offence of illicit trafficking in firearms, their parts and components and ammunition, when committed intentionally, criminalized under your country’s legal framework, in accordance with article 5, paragraph 1 (b), in conjunction with article 3, paragraph (e), of the Firearms Protocol?

No

**x Yes**

Yes, in part

71(a). If the answer is “Yes, in part” or “No”, please explain, if needed.

71(b). If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of illicit trafficking in firearms, their parts and components and ammunition?

71(b)(i). The import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components or ammunition from or across the territory of one State to that of another State without authorization of any of the countries concerned (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 10)

No

**x Yes**

Yes, in part

71(b)(ii). The import, export, acquisition, sale, delivery, movement or transfer of firearms from or across the territory of one State to that of another State without appropriate marking, in accordance with article 8 of the Firearms Protocol (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 8)

No

**x Yes**

Yes, in part

71(c). If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of the modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

71(d). If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these modalities of the illicit transfer of firearms, their parts and components and ammunition are treated under your country’s legal framework.

72. If the answer to question 71 is “Yes” or “Yes, in part”, are any of the following actions included in the offence(s) of illicit trafficking established under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

**Import**

**Export**

**Acquisition**

**Sale**

**Delivery**

**Movement**

**Transfer**

Other, if any

72(a). Please provide further details, if needed.

73. If the answer to question 71 is “Yes” or “Yes, in part”, does the offence of illicit trafficking established under your country’s legal framework require a transnational transfer of the items between at least two States to qualify as illicit trafficking under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

**No**

Yes

Yes, in part

73(a). If your answer is “Yes, in part” or “No”, please explain, on a voluntary basis, and cite the applicable laws and regulations and/or other measures

74. Is the act of falsifying or illicitly obliterating, removing or altering the marking(s) on firearms, when committed intentionally, criminalized under your country’s legal framework according to article 5, paragraph 1 (c), in conjunction with article 8 of the Firearms Protocol?

No

**Yes**

Yes, in part

74(a). If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures, including the applicable sanctions for this offence(s).

*The Penal Code*

**§ 361. Document forgery**

*With a fine or imprisonment of up to 2 years, whoever*

*a. imitates or falsifies a document, or acquires an imitated or forged document with the intention of using it or making it appear genuine or unfalsified,*

*b. unlawfully uses a document as mentioned in letter a and allows it to appear genuine or unfalsified, or*

*c. issues a document and falsely ascribes to himself a position that is of significant importance for the document's probative value, and allows the document to appear to be correct.*



*In this chapter, document means an information carrier that applies to a legal relationship or is otherwise suitable as evidence for a legal relationship*

**§ 363. Destruction of documents, etc.**

*Anyone who unjustifiably destroys or evades a document or part of it is punished with a fine or imprisonment of up to 2 years*

74(b). If the answer is “Yes, in part” or “No”, please explain how the falsifying, obliterating, removing or altering of required marking(s) on firearms is treated under your country’s legal framework.

75. Subject to the basic concepts of its legal system, does your country’s legal framework criminalize the following ancillary offences:

75(i). Attempting to commit any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

No

**x Yes**

Yes, in part

75(ii). Participating as an accomplice in any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

No

**x Yes**

Yes, in part

75(iii). Organizing, directing, aiding, abetting, facilitating or counselling the commission of any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (b))?

No

**x Yes**

Yes, in part

75(a). If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of these offences the applicable laws and regulations and/or other measures, including the applicable sanctions.

75(b). If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these conducts are treated under your country’s legal framework.

76. States are invited to provide any information on any additional criminal offences that may be established under their country’s legal framework to enforce the provisions of the Firearms Protocol (art. 34, para. 3, of the Convention, in conjunction with art. 1, para. 2, of the Firearms Protocol):

Acts related to the failure to keep records of firearms and, where appropriate and feasible, their parts and components and ammunition, and the falsification and destruction of such records, when committed intentionally (art. 7 of the Firearms Protocol)

Criminalization of acts of intentionally giving false or misleading information likely to unduly influence the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates

Criminalization of acts related to the intentional falsification or misuse of documents for the purpose of achieving the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates

Criminalization of acts related to the intentional possession or use of fraudulent licences or authorizations in relation to the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, fraudulent end use or end user certificates

Criminalization of intentional acts related to the illicit reactivation of deactivated firearms, consistent with article 9, paragraphs (a) to (c), of the Firearms Protocol

Criminalization of the illicit brokering of firearms, their parts and components or ammunition and failure to provide required information about brokering activities (see also art. 15)

Other(s) (please specify)

76(a). Please explain and cite the applicable laws and regulations and/or other measures, including the applicable sanctions.

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

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

### **Difficulties encountered**

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

**No**

Yes

Yes, in part

78(a) . If the answer is “Yes” or “Yes, in part”, please explain.

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

**No**

Yes

79(a) . If the answer is “Yes”, please explain and cite any relevant document(s) (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

80. 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?

**No**

Yes

80(a) . If the answer is “Yes”, please cite the relevant strategy or action plan, providing a short explanation of their scope, and/or other measure(s).

81. If your country’s domestic legal framework has not been adapted to the Protocol requirements, please specify what steps remain to be taken.

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

**No**

Yes

81(a)(i). If the answer is “Yes”, does any of the below apply?

Problems with the formulation of legislation

Need for institutional reforms or the establishment of new institutions

Need for further implementing legislation (laws, regulations, decrees, etc.)

Difficulties encountered by practitioners in using legislation

Lack of awareness

Lack of inter-agency coordination

Specificities of the legal framework

Lack of technical knowledge and skills

Limited or no cooperation from other States

Limited resources for implementation

Other issues (please specify)

### **Need for technical assistance**

82. Does your country require technical assistance to overcome difficulties in implementing the Protocol?

**No**

Yes

82(a). If the answer is “Yes”, please indicate the type of assistance required:

Assessment of criminal justice response to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and its links to other serious crimes

Legal advice or legislative reforms and regulations

Model legislation, regulations or agreements

Establishment of competent authorities, national focal points or points of contacts on firearms

Institution-building or the strengthening of existing institutions

Development of strategies, policies or action plans

Dissemination of good practices or lessons learned

Capacity-building through the training of criminal justice practitioners and/or the training of trainers

Prevention and awareness-raising

On-site assistance by a mentor or relevant expert

Border control and risk assessment

Standard operating procedures

Detection of illicit trafficking flows at border crossings, by postal services or by means of the Internet

Information exchange

Investigation and prosecution

Measures to enhance regional and international cooperation

Establishment or development of information technology infrastructure, such as record-keeping systems, digital templates and tools, databases or communication tools

Collection and analysis of firearms trafficking data

Other areas (please specify). Please prioritize the technical assistance needs and refer to the specific provisions of the Protocol when providing information.

82(b). Technological assistance and equipment:

Marking

Record-keeping systems

Identification and tracing of firearms

Transfer controls

Collection campaigns

Deactivation and destruction

Stockpile management

question\_82b\_option\_8

82(c). Is your country already receiving technical assistance in those areas?

**No**

**Yes**

82(c)(i). If the answer is “Yes”, please specify the area of assistance and who is providing it.

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.

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.