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English only

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**Conference of the Parties to the United Nations  
Convention against Transnational Organized Crime**  
Fourth session  
Vienna, 8-17 October 2008

**Information submitted by States in their responses to  
the checklist/ questionnaire on the Implementation of  
the Protocol against the Smuggling of Migrants by  
Land, Sea and Air, supplementing the United Nations  
Convention against Transnational Organized  
Crime for the second reporting cycle**

**Note by the Secretariat**

The present document is to be considered jointly with the report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/7/Rev.1).



## Migrants Protocol Second Reporting Cycle

<b>I. Matters related to protection and assistance measures for smuggled migrants</b>																
	1. 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?		2. Any appropriate measures to afford smuggled migrants protection against violence that may be inflicted upon them by individuals or groups?		3. Any measures to enable the provision of appropriate assistance to smuggled migrants whose lives or safety are endangered?		4. In implementing protection and assistance measures for smuggled migrants, do the competent authorities take into account the special needs of women and children?		5. In the case of detention of smuggled migrants, do the 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?		6. Do the 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, the country at the time of his/her return?		7. Do the competent authorities facilitate and accept the return of a smuggled migrant who had the right of permanent residence in the country at the time of entry into the receiving State?		8. Are the competent authorities obliged to verify, at the request of the receiving State party, without undue or unreasonable delay, whether a smuggled migrant is a national of, or has the right of permanent residence in, the country?	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Algeria	X			X		X	X		X		X		X		X	
Australia	X		X		X		X		X		X		X		X	
Azerbaijan	X		X		X				X		X				X	
Belgium	X		X		X		X		X		X		X		X	
Bosnia and Herzegovina	X		X		X		X		X		X		X		X	
Bulgaria	X		X		X		X		X		X		X		X	
Cameroon				X		X			X		X		X		X	
Canada	X		X				X		X		X		X		X	
Central African Republic	X		X			X		X	X		X		X			X
Chad	X			X		X	X		X		X		X		X	
Croatia	X		X				X		X		X			X		
Czech Republic	X		X		X		X		X		X				X	
Ecuador	X			X	X				X		X		X		X	
El Salvador	X		X		X		X		X		X		X			
Estonia	X		X		X		X		X		X		X		X	
Finland	X		X		X		X		X		X					

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	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Germany	X		X		X		X		X		X		X		X	
Guinea		X										X				
Honduras	X		X													
Indonesia		X	X		X		X		X		X		X		X	
Italy	X			X	X		X		X		X		X		X	
Kazakhstan	X		X		X		X		X		X		X		X	
Kuwait		X	X		X		X		X		X		X			
Latvia	X		X		X		X		X		X		X		X	
Lebanon	X		X		X		X		X		X		X		X	
Malaysia	X		X		X		X		X		X		X		X	
Malta	X		X		X		X		X		X		X		X	
Mauritius		X		X		X		X		X		X		X		
Mexico	X		X		X		X		X		X		X		X	
Monaco	X		X		X		X		X							
Morocco	X		X				X								X	
Myanmar	X		X			X	X		X		X				X	
Netherlands		X		X		X	X		X		X		X		X	
New Zealand	X		X						X		X		X		X	
Nigeria		X		X		X		X		X		X		X		
Norway	X		X		X		X		X		X		X		X	
Peru	X		X								X		X		X	
Philippines	X		X		X		X		X		X		X		X	

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	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Poland	legislation concerning the smuggling of															
Portugal		X		X		X			X		X					
Romania	X		X		X		X		X		X		X		X	
Russian Federation	X		X		X		X		X		X		X		X	
Serbia	X		X		X		X		X		X		X		X	
Slovakia	X		X		X		X		X		X	X	X		X	
Slovenia	X		X		X		X		X		X		X		X	
South Africa	X		X					X	X		X		X		X	
Spain	X		X		X		X		X		X		X		X	
Sweden		X		X		X		X	X		X					X
Thailand	X		X		X		X		X		X		X		X	
The Former Yugoslav Republic of Macedonia	X		X		X		X		X		X			X	X	
Tunisia	X		X		X		X		X		X		X		X	
Turkey	X		X		X		X		X		X		X		X	
Turkmenistan	X		X		X		X		X		X			X	X	
United Kingdom of Great Britain and Northern Ireland	X		X		X		X		X		X		X		X	
United States of America	X		X		X		X		X		X		X		X	
Zimbabwe	X		X		X		X		X		X		X		X	
	<b>47</b>	<b>8</b>	<b>43</b>	<b>11</b>	<b>36</b>	<b>11</b>	<b>43</b>	<b>4</b>	<b>51</b>	<b>0</b>	<b>50</b>	<b>1</b>	<b>42</b>	<b>3</b>	<b>44</b>	<b>2</b>

## Migrants Protocol Second Reporting Cycle

	II. Matters related to the return of smuggled migrants								III. Matters related to border measures, security and control of documents and legitimacy and validity of documents										
	9. In order to facilitate the return of a smuggled migrant who is without proper documentation, are the competent authorities obliged to issue, at the request of the receiving State party, such travel documents or other authorization as may be necessary to enable the smuggled migrant to travel and re-enter the territory of the country?		10. What kind of measures are taken to carry out the return of smuggled migrants in an orderly manner? Specify and provide any available information on how the need to ensure the safety and dignity of smuggled migrants is taken into account in the process of their return.		11. Do the competent authorities cooperate with relevant international organizations in implementing measures to carry out the return of smuggled migrants?		12. Entry into any bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of smuggled migrants?		13. Adoption of any legislative or other appropriate measures to prevent means of transport operated by commercial carriers from being used in the commission of the SOM offence?		14. Have the competent authorities strengthened border measures in order to prevent and detect the smuggling of migrants?		15. Does legislation provide for any measures that permit the denial of entry or revocation of visas of persons implicated in the commission of SOM related offences?		16. Any measures to strengthen cooperation with border control agencies of other States parties, by, inter alia, establishing and maintaining direct channels of communication?		17. Any measures to ensure the adequacy of the quality and the integrity and security of travel or identity documents issued by its competent authorities?		18. Are the competent authorities obliged to verify, at the request of another State party, within a reasonable time, the legitimacy and validity of travel or identity documents issued or purported to have been issued in your country's name and suspected of being used for the SOM?
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
Algeria	X		X		X		X		X		X		X		X		X		
Australia	X		X		X		X		X		X		X		X		X		
Azerbaijan																			
Belgium			X	X			X		X		X		X		X		X		
Bosnia and Herzegovina	X		X		X		X		X		X		X		X		X		
Bulgaria	X		X		X		X		X		X		X		X		X		
Cameroon	X		X			X	X		X		X		X		X		X		
Canada	X		X		X		X		X		X		X		X		X		
Central African Republic		X	X			X		X		X		X		X		X		X	
Chad	X			X		X	X		X		X		X		X		X	X	
Croatia			X		X		X		X		X		X		X		X	X	
Czech Republic	X		X		X		X		X		X		X		X		X		
Ecuador	X		X		X			X		X		X		X		X		X	
El Salvador	X		X		X		X		X		X		X		X		X		
Estonia	X		X		X		X		X		X		X		X		X		
Finland			X		X		X		X		X		X		X		X		

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	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Germany	X				X		X		X		X		X		X		X		X	
Guinea									X		X									
Honduras												X		X						
Indonesia	X				X		X		X		X		X		X		X		X	
Italy	X				X		X		X		X		X		X		X		X	
Kazakhstan	X				X		X		X		X		X		X		X		X	
Kuwait					X		X					X		X		X				
Latvia	X				X		X		X		X		X		X		X		X	
Lebanon	X				X		X													
Malaysia	X				X		X		X		X		X		X		X		X	
Malta	X				X		X		X		X		X		X				X	
Mauritius	X				X		X		X		X		X		X		X		X	
Mexico					X		X		X		X		X		X		X		X	
Monaco									X		X		X		X		X		X	
Morocco									X		X		X		X		X			
Myanmar	X				X		X		X		X		X		X		X		X	
Netherlands	X				X		X		X		X		X		X		X		X	
New Zealand	X				X		X		X		X		X		X		X		X	
Nigeria	X						X				X			X						
Norway	X				X		X		X		X		X		X		X		X	
Peru	X								X		X								X	
Philippines	X				X		X		X		X		X		X		X		X	

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	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No		
Poland																				
Portugal				X		X		X		X								X		
Romania			X				X		X		X		X			X				
Russian Federation	X				X		X		X		X		X			X		X		
Serbia	X		X		X		X		X		X		X		X		X			
Slovakia	X		X		X		X		X		X		X		X		X			
Slovenia	X		X		X		X		X		X		X		X		X			
South Africa	X		X			X	X		X			X	X		X		X			
Spain	X		X		X		X		X		X		X		X		X			
Sweden	X		X		X		X		X		X		X		X		X	X		
Thailand	X		X		X		X		X		X		X		X		X			
The Former Yugoslav Republic of Macedonia	X			X	X		X		X		X		X		X		X	X		
Tunisia	X						X		X		X		X							
Turkey	X		X		X		X		X		X		X		X		X	X		
Turkmenistan	X		X		X		X		X						X					
United Kingdom of Great Britain and Northern Ireland						X	X		X		X		X		X		X	X		
United States of America	X		X		X		X		X		X		X		X		X	X		
Zimbabwe	X		X		X		X		X		X		X		X		X	X		
	42	1		0	42	3	36	11	44	7	46	3	43	5	43	3	46	1	36	4