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English only

**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 first 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 first reporting cycle (CTOC/COP/2005/4/Rev.2).



Migrants Protocol First Reporting Cycle

Definition and criminalization requirements in the Migrants Protocol

	1. Is SOM criminalized?					2. If no to 1.b, specify how SOM is defined in domestic legislation.	3. Do you distinguish SOM and TIP?				4. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3.c) for the purpose of SOM criminalized?	
	a.			b.			a.		b.		Yes	No
	Yes	No	Specify	Yes	No		Yes	Specify	No	Explain		
Algeria		X	Pending		X			X	Pending		X	
Angola		X			X			X				X
Argentina	X				X			X			X	
Australia	X			X				X			X	
Austria	X			X				X			X	
Azerbaijan		X									X	
Belarus	X				X			X			X	
Belgium	X			X				X			X	
Bosnia and Herzegovina	X			X				X				X
Brazil	X				X			X			X	
Bulgaria	X				X			X				X
Burkina Faso	X			X					X		X	
Cameroon	X				X				X		X	
Canada	X			X				X			X	
Central African Republic	X			X				X			X	
Chad	X			X				X			X	
Chile		X						X				X
Congo (Republic of the)		X							X		X	
Costa Rica		X	pending					X			X	
Croatia	X			X				X			X	
Cyprus	X			X				X			X	
Czech Republic	X			X				X			X	
Democratic Republic of the Congo	X			X				X			X	
Egypt	X			X				X			X	
El Salvador	X				X			X				X
Estonia	X			X				X			X	

Migrants Protocol First Reporting Cycle

	1. Is SOM criminalized?					2. If no to 1.b, specify how SOM is defined in domestic legislation.	3. Do you distinguish SOM and TIP?				4. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3.c) for the purpose of SOM criminalized?	
	a.			b.			a.		b.		Yes	No
	Yes	No	Specify	Yes	No		Yes	Specify	No	Explain		
Finland	X				X		X				X	
France	X			X			X				X	
Germany	X			X			X				X	
Greece	X			X			X				X	
Guatemala	X				X		X					X
Guinea		X										
Honduras	X			X					X		X	
Iceland	X			X			X				X	
Indonesia	X				X		X				X	
Ireland			Pending									
Italy	X			X			X				X	
Jamaica		X							X		X	
Kazakhstan	X			X			X				X	
Korea (Republic of)	X				X		X				X	
Kuwait	X				X		X				X	
Latvia	X				X		X				X	
Lithuania	X			X			X				X	
Madagascar		X					X				X	
Malaysia	X				X		X				X	
Maldives	X				X				X		X	
Malta	X			X			X				X	
Mexico	X			X			X				X	
Moldova (Republic of)	X						X				X	
Montenegro	X			X			X				X	
Myanmar	X				X				X		X	
Namibia	X			X			X				X	
Netherlands	X			X			X				X	
New Zealand	X			X			X				X	
Nicaragua	X			X			X				X	
Nigeria		X			X		X				X	
Norway	X			X			X				X	
Panama	X				X		X				X	
Peru	X			X			X				X	

Migrants Protocol First Reporting Cycle

	1. Is SOM criminalized?					2. If no to 1.b, specify how SOM is defined in domestic legislation.	3. Do you distinguish SOM and TIP?				4. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3.c) for the purpose of SOM criminalized?	
	a.			b.			a.		b.		Yes	No
	Yes	No	Specify	Yes	No		Yes	Specify	No	Explain		
Philippines	X			X			X					X
Poland	X			X			X				X	
Portugal	X			X			X				X	
Romania	X			X			X				X	
Russian Federation	X			X			X				X	
Serbia	X			X			X				X	
Slovakia	X			X			X				X	
Slovenia	X			X			X					
South Africa		X	Pending								X	
Spain	X			X			X				X	
Sweden	X				X		X				X	
Switzerland	X			X			X				X	
Syria	X			X			X				X	
Tajikistan		X			X						X	
Tanzania (United Republic of)	X				X		X				X	
Thailand	X			X			X				X	
The Former Yugoslav Republic of Macedonia	X			X			X				X	
Togo		X	Pending								X	
Tunisia	X			X			X				X	
Turkey	X			X			X				X	
United Kingdom of Great Britain and Northern Ireland	X			X			X				X	
United States of America	X			X			X					
	67	13	5	48	22		66		9	1	70	7

Migrants Protocol First Reporting Cycle

	5. If not, explain.	6. 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 4. above or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c), of the Protocol)?		7. If not, explain.	8. Is attempting to commit the offences in 1., 4., 6. (art. 6.2.a) criminalized?		9. If not, explain.	10. Is participating as an accomplice in the offences referred to in questions 1., 4. and 6. (art. 6.2.b) criminalized?	
		Yes	No		Yes	No		Yes	No
Algeria		X			X			X	
Angola			X			X			X
Argentina		X			X			X	
Australia		X			X			X	
Austria		X			X			X	
Azerbaijan			X		X			X	
Belarus		X			X			X	
Belgium		X			X			X	
Bosnia and Herzegovina		X			X			X	
Brazil		X			X			X	
Bulgaria			X		X			X	
Burkina Faso		X			X			X	
Cameroon		X			X			X	
Canada		X			X			X	
Central African Republic		X			X			X	
Chad		X			X			X	
Chile			X			X			X
Congo (Republic of the)			X			X		X	
Costa Rica		X							
Croatia		X			X			X	
Cyprus		X			X			X	
Czech Republic		X			X			X	
Democratic Republic of the Congo		X			X			X	
Egypt		X			X			X	
El Salvador		X			X			X	
Estonia		X			X			X	

Migrants Protocol First Reporting Cycle

	5. If not, explain.	6. 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 4. above or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c). of the Protocol)?		7. If not, explain.	8. Is attempting to commit the offences in 1., 4., 6. (art. 6.2.a) criminalized?		9. If not, explain.	10. Is participating as an accomplice in the offences referred to in questions 1., 4. and 6. (art. 6.2.b) criminalized?	
		Yes	No		Yes	No		Yes	No
Finland		X				X		X	
France		X				X		X	
Germany			X			X		X	
Greece		X				X			
Guatemala			X				X		X
Guinea									
Honduras		X				X		X	
Iceland		X				X		X	
Indonesia		X				X		X	
Ireland									
Italy		X				X		X	
Jamaica		X				X		X	
Kazakhstan		X				X		X	
Korea (Republic of)		X				X		X	
Kuwait		X				X		X	
Latvia		X				X		X	
Lithuania		X				X		X	
Madagascar		X				X		X	
Malaysia		X				X		X	
Maldives		X				X		X	
Malta		X				X		X	
Mexico		X				X		X	
Moldova (Republic of)		X				X		X	
Montenegro		X				X		X	
Myanmar		X				X		X	
Namibia		X				X		X	
Netherlands		X				X		X	
New Zealand		X				X		X	
Nicaragua		X					X	X	
Nigeria		X				X		X	
Norway		X				X		X	
Panama		X				X		X	
Peru		X				X		X	

Migrants Protocol First Reporting Cycle

	5. If not, explain.	6. 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 4. above or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c), of the Protocol)?		7. If not, explain.	8. Is attempting to commit the offences in 1., 4., 6. (art. 6.2.a) criminalized?		9. If not, explain.	10. Is participating as an accomplice in the offences referred to in questions 1., 4. and 6. (art. 6.2.b) criminalized?	
		Yes	No		Yes	No		Yes	No
Philippines		X			X			X	
Poland		X						X	
Portugal		X			X			X	
Romania		X			X			X	
Russian Federation		X			X			X	
Serbia		X			X			X	
Slovakia		X			X			X	
Slovenia									
South Africa		X			X			X	
Spain		X			X			X	
Sweden		X			X			X	
Switzerland		X			X			X	
Syria		X			X			X	
Tajikistan		X			X			X	
Tanzania (United Republic of)		X			X			X	
Thailand		X			X			X	
The Former Yugoslav Republic of Macedonia		X			X			X	
Togo		X			X			X	
Tunisia		X			X			X	
Turkey		X			X			X	
United Kingdom of Great Britain and Northern Ireland		X			X			X	
United States of America									
		70	7		69	6		72	3

Migrants Protocol First Reporting Cycle

	12. Is organizing or directing other persons to commit the offences referred to in questions 1., 4. and 6. (art. 6.2.c) criminalized?		13. If not, explain.	14. Do you establish as aggravating circumstances to the offences referred to in questions 1., 4., 6., 10. and 12. conduct that endangers ... the lives or safety of the smuggled migrants...?		15. If not, explain.	16. Do you provide for any measure of a criminal or administrative nature against smuggled migrants who entered the country (art. 5 and 6.4)?	
	Yes	No		Yes	No		Yes	No
Algeria	X			X			X	
Angola	X				X			X
Argentina	X			X			X	
Australia	X			X			X	
Austria	X			X			X	
Azerbaijan	X			X			X	
Belarus	X			X			X	
Belgium		X		X			X	
Bosnia and Herzegovina	X			X			X	
Brazil		X		X			X	
Bulgaria		X			X			
Burkina Faso	X			X			X	
Cameroon	X			X				X
Canada	X			X			X	
Central African Republic	X				X		X	
Chad	X			X				X
Chile		X			X		X	
Congo (Republic of the)	X				X		X	
Costa Rica					X		X	
Croatia	X			X			X	
Cyprus	X			X				
Czech Republic	X				X		X	
Democratic Republic of the Congo	X			X			X	
Egypt	X			X			X	
El Salvador	X			X				X
Estonia	X			X			X	

Migrants Protocol First Reporting Cycle

	12. Is organizing or directing other persons to commit the offences referred to in questions 1., 4. and 6. (art. 6.2.c) criminalized?		13. If not, explain.	14. Do you establish as aggravating circumstances to the offences referred to in questions 1., 4., 6., 10. and 12. conduct that endangers ... the lives or safety of the smuggled migrants...?		15. If not, explain.	16. Do you provide for any measure of a criminal or administrative nature against smuggled migrants who entered the country (art. 5 and 6.4)?	
	Yes	No		Yes	No		Yes	No
Finland	X				X		X	
France	X			X			X	
Germany	X			X			X	
Greece		X			X		X	
Guatemala								
Guinea	X			X			X	
Honduras	X				X		X	
Iceland		X			X		X	
Indonesia								
Ireland	X			X			X	
Italy		X			X			X
Jamaica	X				X		X	
Kazakhstan	X			X				X
Korea (Republic of)	X			X			X	
Kuwait	X			X			X	
Latvia	X			X				
Lithuania	X			X			X	
Madagascar	X						X	
Malaysia	X				X		X	
Maldives	X				X		X	
Malta	X			X				X
Mexico	X			X			X	
Moldova (Republic of)	X			X			X	
Montenegro	X			X			X	
Myanmar	X						X	
Namibia	X			X				X
Netherlands	X			X				X
New Zealand	X			X			X	
Nicaragua	X				X		X	
Nigeria	X			X				X
Norway	X			X			X	
Panama	X			X			X	
Peru	X			X				X

Migrants Protocol First Reporting Cycle

	12. Is organizing or directing other persons to commit the offences referred to in questions 1., 4. and 6. (art. 6.2.c) criminalized?		13. If not, explain.	14. Do you establish as aggravating circumstances to the offences referred to in questions 1., 4., 6., 10. and 12. conduct that endangers ... the lives or safety of the smuggled migrants...?		15. If not, explain.	16. Do you provide for any measure of a criminal or administrative nature against smuggled migrants who entered the country (art. 5 and 6.4)?	
	Yes	No		Yes	No		Yes	No
Philippines	X			X			X	
Poland	X				X		X	
Portugal	X			X				
Romania	X			X			X	
Russian Federation	X			X			X	
Serbia	X			X			X	
Slovakia								
Slovenia	X			X			X	
South Africa	X			X			X	
Spain	X			X			X	
Sweden	X			X			X	
Switzerland	X				X		X	
Syria	X				X		X	
Tajikistan	X			X				X
Tanzania (United Republic of)								
Thailand	X							
The Former Yugoslav Republic of Macedonia	X			X			X	
Togo	X				X		X	
Tunisia	X			X				X
Turkey	X				X		X	
United Kingdom of Great Britain and Northern Ireland								
United States of America								
	67	7		51	21		57	13