



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

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Item 2 of the provisional agenda*

**Finalization and harmonization of the
self-assessment questionnaires for the review of the
implementation of the United Nations Convention
against Transnational Organized Crime and the
Protocols thereto**

Self-assessment questionnaire for the United Nations Convention against Transnational Organized Crime and the Protocols thereto – Cluster IV

General guidance for replying to the questionnaire

- States will be reviewed on the basis of the information that they have provided to the reviewing States parties, in accordance with section V of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto. If they have not yet provided the relevant documents to the Secretariat, States are called upon to upload either any laws, regulations, cases and other documents or brief descriptions of them that are of relevance for responding to the questionnaire to the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).
- Links to the information uploaded to SHERLOC can be then provided as part of the replies to each question.
- In addition to providing links to the information uploaded to SHERLOC, States are called upon to specify the applicable legislation and relevant provisions under each question to which the answer is “Yes” and, where appropriate, under any other questions.
- States are requested to refrain from attaching any annexes, including hard copies of documentation, to the completed questionnaires.
- When responding to the self-assessment questionnaires, States parties may also refer to information provided in the context of other relevant review mechanisms of instruments to which they are parties. States parties shall bear in mind that any update since previous submissions of information under other review mechanisms should be appropriately reflected in the responses. In particular, when reviewing

* [CTOC/COP/WG.10/2020/1](#).



the same legislation for obligations that are identical or similar to those under the United Nations Convention against Corruption, a State party under review may refer to responses and additional documentation that it has submitted under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

- The provisions of the Organized Crime Convention and the Protocols thereto contain various degrees of requirements. In accordance with the procedures and rules, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto shall progressively address all articles of the Convention and the Protocols thereto. The different nature of each provision should therefore be taken into account in formulating the responses to the related questions and when reviewing them in the following phases of the country review.
- Article 1, paragraph 2, of each of the Protocols states that the provisions of the Convention shall apply *mutatis mutandis* to the Protocols unless otherwise provided therein. Paragraph 19 of the procedures and rules for the functioning of the Mechanism states that provisions of the Convention that apply to the Protocols, *mutatis mutandis*, will be reviewed under the Convention only. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. National experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For example, in answering the questions on the scope of application of article 10 on the liability of legal persons, national experts should take into account the applicability of article 10 to the offences covered by the three Protocols and answer accordingly.
- [In the questionnaire, some questions are introduced by the words “States are invited”. In such cases national experts may provide information on a voluntary basis.] [National experts are invited to use their best judgment and discretion when answering those questions.]

One delegation expressed the need to further distinguish in their formulation questions covering non-mandatory provisions from questions that are beyond the scope of application of the instruments.

One delegation expressed the opinion that there was no need to reopen this issue.

I. United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 12, 13, 14, 16, 17, 18 and 21 of the Convention)

Article 12. Confiscation and seizure

1. Does your country's legal framework enable the confiscation of:

(a) Proceeds of crime (as defined in art. 2 (e))¹ derived from offences covered by the Convention and the Protocols to which your State is a party or property the value of which corresponds to that of such proceeds (art. 12, para. 1 (a))?

Yes No

(b) Property, equipment or other instrumentalities used in or destined for use in offences covered by the Convention and the Protocols to which your State is a party (art. 12, para. 1 (b))?

Yes No

(c) Proceeds of crime transformed or converted into other property (art. 12, para. 3)?

Yes No

(d) Proceeds of crime intermingled with property acquired from legitimate sources (art. 12, para. 4)?

Yes No

(i) Please explain.

(e) Income or other benefits derived from items described under questions 1 (a), (c) and (d) (art. 12, para. 5)?

Yes No

(i) Please explain.

2. States are invited to provide information on the pertinent legislative framework and on the required standard of proof.

3. States are invited to provide, on a voluntary basis, information regarding whether their domestic legal framework allows for non-conviction-based asset confiscation.

4. Does your country's legal framework enable the identification, tracing, freezing or seizure of items described [above] [in article 12, paragraph 1,] for the purpose of eventual confiscation (art. 12, para. 2)?

Yes No

¹ "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence.

(a) If the answer is “Yes”, please explain briefly, if needed.

(b) [States are invited to specify whether their legal framework enables the identification, tracing, freezing or seizure of items mentioned in question 1 and items other than those described in article 12, paragraph 1.]

5. Does your country’s legal framework empower courts or other competent authorities to order that bank, financial or commercial records be made available or be seized for (art. 12, para. 6):

(a) Investigation or prosecution of offences committed in your country covered by the Convention and the Protocols to which your State is a party?

Yes No

(b) Securing confiscation in your country?

Yes No

(c) Responding to a request for confiscation by another State party in relation to an offence covered by the Convention and the Protocols to which your State is a party?

Yes No

(d) If the answer to questions 5 (a), (b) or (c) is “Yes”, please specify the manner in which your country’s legal framework empowers courts or other competent authorities.

6. Does your country’s legal framework allow for bank secrecy to be used as grounds to decline to act under the provisions of article 12, paragraph 6?

Yes No

7. If it is consistent with the principles of your domestic law and with the nature of the judicial and other proceedings, does your country’s legal framework permit shifting the burden of proof to the defendant to show that alleged proceeds of crime were derived from legitimate sources (art. 12, para. 7)?

Yes No

(a) If the answer is “yes”, please provide information on the conditions under which your domestic legal framework permits shifting the burden of proof to the defendant.

8. States are invited to share, on a voluntary basis, examples of their experiences and challenges in promoting cooperation to prevent and combat transnational organized crime more effectively, with particular regard to:

(a) The possibility to confiscate companies and corporate assets where proceeds of crime are intermingled with property acquired from legitimate sources

(b) The possibility to confiscate legal rights and interests of an enforceable nature

(c) The use of non-conviction-based confiscation and the related international judicial and legal cooperation

(d) The identification and tracing of property and the management of seized property carried out, including by specialized agencies

(e) Cooperation with regional prosecution bodies

Article 13. International cooperation for purposes of confiscation

9. Does your country's legal framework permit the confiscation of the proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, at the request of another State party (art. 13)?

Yes Yes, in part No

(a) If the answer is "Yes" or "Yes, in part":

(i) Is the request submitted to the competent authorities of your country for the purpose of obtaining a domestic order of confiscation (art. 13, para. 1 (a))?

Yes No

(ii) Is the request submitted to the competent authorities of your country for execution (art. 13, para. 1 (b))?

Yes No

(b) If the answer to question 9 is "Yes, in part", please specify any challenges encountered in confiscating the proceeds of crime at the request of another State party.

10. Does your country's legal framework enable the competent authorities to identify, trace, freeze and seize the proceeds of crime for the purpose of eventual confiscation at the request of another State party (art. 12, para. 2)?

Yes Yes, in part No

(a) If the answer is "Yes, in part", please specify any challenges encountered in identifying, tracing, freezing and seizing the proceeds of crime at the request of another State party.

11. Does your country's legal framework permit the confiscation of proceeds of crime that have been transformed or converted into other property (art. 12, para. 3) or intermingled with property acquired from legitimate sources (art. 12, para. 4), at the request of another State party?

Yes Yes, in part No

12. If any legal grounds for refusal specific to a request for cooperation for the purposes of confiscation are provided for in your country's legal framework, please explain what those grounds are (art. 13, paras. 3 and 7, and art. 18, para. 21).²

13. What information does your country's legal framework require for inclusion in a request for cooperation for the purposes of confiscation other than those enumerated in article 13, paragraph 3, and article 18, paragraph 15 (art. 13, para. 3)?³

14. States are invited to provide, on a voluntary basis, information regarding whether their domestic legal framework allows for non-conviction-based asset forfeiture at the request of another State party.

Article 14. Disposal of confiscated proceeds of crime or property

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

Yes Yes, in part No

(a) If the answer is "Yes, in part", please explain the manner in which your domestic law permits the return of such confiscated proceeds of crime or property for the purposes stated above.

16. Has your country concluded agreements or arrangements with other States parties on contributing the value of confiscated proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of the Convention and to intergovernmental bodies specializing in the fight against organized crime (art. 14, para. 3 (a))?

Yes No

17. Has your country concluded agreements or arrangements with other States parties, on a regular or case-by-case basis, on sharing of proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof (art. 14, para. 3 (b))?

Yes No

(a) States parties are invited to share examples of their positive experiences or good practices in applying the Convention regarding bilateral or multilateral agreements or arrangements on the disposal or sharing of confiscated assets.

² The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

³ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

Article 16. Extradition

18. In your country, is extradition granted:

(a) By statute?

Yes No

(b) By treaty or other agreement or arrangement (multilateral or bilateral)?

Yes No

(c) By virtue of reciprocity or comity?

Yes No

(d) If your answer to question 18 (b) is “Yes”, does your country use the Convention as a legal basis for cooperation on extradition with other States parties to the Convention (art. 16, para. 4)?

Yes Yes, under conditions No Not applicable

(e) Please explain.

(f) Have you communicated this information to the Secretary-General of the United Nations (art. 16, para. 5 (a))?

Yes No

(g) If your answer to question 18 (a), (b) or (c) is “No”, has your country, in appropriate cases, sought to conclude treaties on extradition (art. 16, para. 5 (b))?

Yes No

19. Have the offences set out in article 16, paragraph 1, of the Convention and offences established in accordance with the Protocols to the Convention to which your country is a party in practice been deemed by your country to be extraditable offences in the bilateral or multilateral extradition treaties that it has concluded (art. 16, para. 3)?

Yes Yes, in part No

(a) Please explain briefly.

20. If your country does not make extradition conditional on the existence of a treaty, does it recognize the offences set out in article 16, paragraph 1, of the Convention and offences established in accordance with the Protocols to the Convention to which it is a party as extraditable offences (art. 16, para. 6)?

Yes Yes, in part No Not applicable

(a) Please explain briefly.

21. What are the conditions provided for in your domestic law for granting extradition, including the minimum penalty requirement (as the threshold to identify extraditable offences) (art. 16, para. 7)?

(a) Please explain briefly.

22. What are the grounds provided for in your domestic law upon which your country may refuse extradition (art. 16, para. 7)?

(a) Please explain briefly.

23. Is the dual criminality requirement established under your domestic legal framework for granting an extradition request (art. 16, para. 1)?

Yes Yes, in part No

(a) If the answer is “Yes, in part”, please explain how or to what extent dual criminality is required for granting an extradition request.

24. Does your country’s legal framework provide for simplified evidentiary requirements (in relation to any offence covered by the Convention, and the Protocols to which your State is a party, to which article 16 applies) (art. 16, para. 8)?

(a) Please explain.

25. Does your country’s legal framework provide for expedited extradition procedures (in relation to any offence covered by the Convention, and the Protocols to which your State is a party, to which article 16 applies) (art. 16, para. 8)?

Yes No

(a) If the answer is “Yes”, please provide information on simplified extradition proceedings available in your country and under which conditions these proceedings apply.

26. Does your country refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters (art. 16, para. 15)?

Yes No

(a) If the answer is “Yes”, please specify in which circumstances a request for extradition could be refused on the sole ground that the offence is also considered to involve fiscal matters.

27. [If your country does not extradite an alleged offender on the sole ground that the offender is its national, does your country’s legal framework establish jurisdiction over offences covered by the Convention and the Protocols to which it is a party when those offences are committed by its nationals (art. 15, para. 3, and art. 16, para. 10)? (moved from cluster I)]

Yes Yes, in part No

28. [If an alleged offender is present in your country’s territory and your country does not extradite him or her, does your country’s legal framework establish jurisdiction over offences covered by the Convention and the Protocols to which it is a party in the circumstances described in article 15, paragraphs 1 and 2, when those offences are committed by that person (art. 15, para. 4)? (moved from cluster I)]

Yes Yes, in part No

29. Does your country's legal framework provide for conditional extradition or surrender, in accordance with article 16, paragraph 11, of the Convention?

Yes No

30. If your country does not extradite a person because he or she is its national, does your legal framework permit, upon application of the requesting State, enforcing the sentence that has been imposed to the person sought under the domestic law of the requesting State (art. 16, para. 12)?

Yes Yes, in part No

(a) If the answer is "Yes" or "Yes, in part", please explain in which circumstances your country could consider enforcing such sentence.

31. Before refusing extradition, does your country consult, where appropriate, with the requesting State to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation (art. 16, para. 16)?

Yes No

32. States are invited to share their experiences and challenges in using the Convention with other State parties regarding extraditions matters.

Article 17. Transfer of sentenced persons

33. Has your country concluded any bilateral or multilateral agreements or arrangements on the transfer of sentenced persons for offences covered by the Convention and the Protocols to which it is a party (art. 17)?

Yes No

(a) If the answer is "Yes", please provide an example of such agreements or arrangements.⁴

(b) States are invited to share examples of their positive experiences or good practices in applying the Convention regarding bilateral or multilateral agreements or arrangements on the transfer of sentenced persons.

Article 18. Mutual legal assistance

34. In your country, is mutual legal assistance afforded:

(a) By statute?

Yes No

(b) By treaty or other agreement or arrangement (multilateral or bilateral)?

Yes No

(c) By virtue of reciprocity or comity?

Yes No

35. Does your country apply the provisions of article 18 of the Convention, including paragraphs 9 to 29 thereof, in order to provide mutual legal assistance to

⁴ States are invited to upload relevant agreements or arrangements to SHERLOC.

other States parties with which it does not have another mutual legal assistance treaty in force (art. 18, para. 7)?

Yes Yes, in part No

(a) If the answer is “yes, in part”, please specify which paragraphs would not apply.

36. Has your country designated a central authority pursuant to article 18, paragraph 13 (art. 18, para. 13)?

Yes No

(a) If the answer is “Yes”, please provide any available information related to the name and address of such authority or authorities.

37. Does your country afford mutual legal assistance with respect to investigations, prosecutions and judicial proceedings in relation to offences covered under the Convention and the Protocols to which it is a party for which a legal person may be held liable (art. 18, para. 2)?

Yes No

38. Which of the following types of mutual legal assistance does your country provide (art. 18, para. 3)?

(a) Taking evidence or statements from persons

Yes No

(b) Effecting service of judicial documents

Yes No

(c) Executing searches and seizures, and freezing

Yes No

(d) Examining objects and sites

Yes No

(e) Providing information, evidentiary items and expert evaluations

Yes No

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records

Yes No

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes

Yes No

(h) Facilitating the voluntary appearance of persons in the requesting State party

Yes No

(i) Any other type of assistance that is not contrary to your domestic law

Yes No

(j) Please specify.

(k) States are invited to share examples of their positive experiences or good practices in applying the Convention regarding any other type of assistance provided under article 18, paragraph 3 (i).

39. Does your country permit conducting a hearing by videoconference at the request of another State party where it is not feasible or desirable for the witness or expert to appear in person before the judicial authorities of the foreign State (art. 18, para. 18)?

Yes Yes, in part No

(a) If your answer is “Yes, in part”, please explain.

40. Does your country decline to render mutual legal assistance on the ground of absence of dual criminality (art. 18, para. 9)?

Yes Yes, in part No

(a) If the answer is “Yes, in part”, States are invited to specify.

41. Is bank secrecy a ground for refusal of a request for mutual legal assistance under your domestic legal framework (art. 18, para. 8)?

Yes No

(a) If the answer is “Yes”, please explain in which circumstances bank secrecy can be a ground for refusal of a request for mutual legal assistance.

42. Are any of the grounds for refusal of a request for mutual legal assistance provided for in article 18, paragraph 21, of the Convention applicable under your domestic legal framework?

Yes Yes, in part No

43. Does your country’s legal framework provide for additional grounds to the ones contained in article 18, paragraphs 21 (a) to (d)?

Yes No

(a) If “Yes”, please explain briefly.

(b) States are invited to share examples of their positive experiences or good practices in applying the Convention on how the provision of mutual legal assistance can be subject to the dual criminality requirement, especially in relation to mutual legal assistance involving coercive and non-coercive measures.

44. Does your country refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters (art. 18, para. 22)?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part” please specify the circumstances under which a request for mutual legal assistance is refused on the sole grounds that the offence is also considered to involve fiscal matters.

45. Are the requirements of your country’s legal framework for a request for mutual legal assistance consistent with the requirements of article 18, paragraph 15?

Yes No

(a) If your country has additional requirements, please briefly explain.

46. Has your country requested or received a request for additional information when it appeared necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution (art. 18, para. 16)?

Yes No

(a) If yes, States are invited to explain briefly.

47. Does your country respond to reasonable requests by the requesting State party on progress of its handling of the request, in accordance with article 18, paragraph 24?

Yes Yes, in part No

(a) Please explain.

48. Is your country generally able to execute a request, in accordance with the procedures specified in such a request (art. 18, para. 17)?

Yes No

(a) Please explain.

Article 21. Transfer of criminal proceedings

49. Is your country able to receive or transfer criminal proceedings for the prosecution of offences covered by the Convention and the Protocols to which it is a party (art. 21)?

Yes No

(a) States with experience in transferring criminal proceedings are encouraged to describe their experience and/or give an example of best practices.

Difficulties encountered

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

Yes No

(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

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

Yes No

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

52. 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)

53. 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.

II. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 8 and 10 of the Protocol)

Article 8. Repatriation of victims of trafficking in persons

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

Yes No

(a) Please elaborate.

55. Has your country verified, at the request of another State party, whether a person who is a victim of trafficking in persons is a national of your State or has the right of permanent residence in your State, without undue or unreasonable delay (art. 8, para. 3)?

Yes No

(a) Please elaborate.

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

Yes No

(a) Please elaborate.

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

Yes No

(a) Please elaborate.

58. States are invited to provide, on a voluntary basis, any information on agreements or arrangements that govern in whole or in part the return of victims of trafficking in persons (art. 8, para. 6).

Article 10. Information exchange and training

59. Do law enforcement, immigration or other relevant authorities of your country cooperate with other States parties' authorities by exchanging information to enable them to determine (art. 10, para. 1):

- Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons (art. 10, para. 1 (a))?
- The types of travel documents that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons (art. 10, para. 1 (b))?
- The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them (art. 10, para. 1 (c))?

(a) Please provide details.

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

- Law enforcement
- Immigration authorities
- Other relevant officials (please specify)

61. Does the training referred to in question 60 also take into account the need to consider human rights, child-sensitive issues and gender-sensitive issues (art. 10, para. 2)?

Yes No

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

Yes No

(a) If the answer is yes, please provide, on a voluntary basis, details on the training provided.

63. Does your country comply with any restrictions placed on the use of information transmitted from another State party (art. 10, para. 3)?

Yes Yes, in part No

(a) Please briefly explain.

Difficulties encountered

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

Yes No

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

Need for technical assistance

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

Yes No

(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

(b) 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)

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

Yes No

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

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

III. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 7, 10, 17 and 18 of the Protocol)

Article 7. Cooperation

68. Does your country provide cooperation to other States with regard to the measures against the smuggling of migrants by sea set forth in article 8 of the Protocol (art. 7)?⁵

Yes No

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

Article 10. Information

69. Has your country adopted measures to promote the secure and rapid exchange of information with other States to implement the provisions set forth in article 10, paragraph 1 of the Protocol?

Yes No

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

(b) If the answer is “Yes”, please provide more details.

⁵ The answer to this question should be considered in conjunction with the answer to the relevant questions on measures against the smuggling of migrants by sea in questions 49 and 50 in document CTOC/COP/WG.10/2020/3.

70. Does your country identify information to be restricted in use in the context of international cooperation procedures (art. 10, para. 2)?

Yes No

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

(b) If the answer is “Yes”, please provide more details.

Article 17. Agreements and arrangements

71. Has your country concluded bilateral or regional agreements or operational arrangements or understandings to allow the establishment of the most appropriate and effective international cooperation to prevent and combat the conducts set forth in article 6 of the Protocol and to enhance the provisions of the Protocol among States (art. 17)?

Yes No

(a) If the answer is “Yes”, please elaborate further on the agreements and arrangements and provide examples of their implementation, and also cite the applicable policies or laws.

Article 18. Return of smuggled migrants

72. Do your country’s competent authorities facilitate and accept, without undue or unreasonable delay, the return of a smuggled migrant who is a national of, or has the right of permanent residence in, your country at the time of his or her return (art. 18, para. 1)?

Yes No

(a) If the answer is “Yes”, please provide more details on the procedure.

73. Do your country’s competent authorities facilitate and accept the return of a smuggled migrant who had the right of permanent residence in your country at the time of entry into the receiving State in accordance with its domestic law (art. 18, para. 2)?

Yes No

(a) If the answer is “Yes”, please provide more details on the procedure.

74. Do your country’s competent authorities respond without undue or unreasonable delay to the request from other States to verify whether a smuggled migrant is a national of or has the right of permanent residence in your country (art. 18, para. 3)?

Yes No

(a) If the answer is “Yes”, please provide more details on the procedure to respond.

75. Do your country’s competent authorities issue, at the request of the receiving State party, such travel documents or other authorization as may be necessary to

enable the smuggled migrant, after identification of his or her nationality, to travel and re-enter the territory of your country (art. 18, para. 4)?

Yes No

(a) If the answer is “Yes”, please provide more details on the procedure.

76. What kind of measures are taken in your country to carry out the return of smuggled migrants in an orderly manner? Please specify and provide any available information on how the need to ensure that the safety and dignity of smuggled migrants is taken into account in the process of their return (art. 18, para. 5).

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

Yes No

(a) If the answer is “Yes”, please specify with which international organizations your country cooperates.

78. Has your country entered into any bilateral or multilateral agreement or arrangement related to the smuggling of migrants, including any governing, in whole or in part, the return of smuggled migrants (art. 18, para. 8)?

Yes No

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

Difficulties encountered

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

Yes No

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

Need for technical assistance

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

Yes No

(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)

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

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

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

Yes No

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

IV. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

Cluster IV: international cooperation, mutual legal assistance and confiscation (arts. 6, 12 and 13 of the Protocol)

Article 6. Confiscation, seizure and disposal⁶

84. Without prejudice to article 12 of the Organized Crime Convention, has your country adopted legislative or other administrative measures to enable the seizure of firearms, their parts and components and ammunition suspected of being illicitly

⁶ According to article 2 of the Organized Crime Convention, “freezing” or “seizure” means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority; and “confiscation”, which includes forfeiture where applicable, means the permanent deprivation of property by order of a court or other competent authority.

manufactured and trafficked (art. 6, para. 2, of the Firearms Protocol in conjunction with art. 2 (f) of the Organized Crime Convention)?

Yes Yes, in part No

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

(b) If the answer is “Yes or “Yes, in part”, please cite and attach the applicable laws and regulations and/or other measures.

85. Does your country’s legal framework enable the confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked (art. 6, para. 1)?

Yes Yes, in part No

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

(b) If the answer is “Yes or “Yes, in part”, please cite and attach the applicable laws and regulations and/or other measures.

86. States are invited to provide, on a voluntary basis, further information as to whether they maintain records of:

– Seized firearms, their parts and components and ammunition

Yes Yes, in part No

– Confiscated firearms, their parts and components and ammunition

Yes Yes, in part No

(a) If any of the above applies, please explain, on a voluntary basis, if these data are kept centrally, by which authority or authorities, and what type of information is kept.

(b) Please provide, if possible, information on the number and type of cases and on the amount and type of material that was seized and confiscated in the past three years. Please provide figures for each year.

87. Has your country’s legal framework adopted policies or measures to enable the disposal of confiscated firearms, their parts and components and ammunition that have been illicitly trafficked and manufactured (art. 6, para. 2)?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures in place with regard to the disposal of such items, and provide, if possible, examples, including recent cases or judgments, of their concrete application.

(b) If the answer is “Yes, in part” or “No”, please explain how your country’s legal framework treats these confiscated items.

88. If the answer to question 87 is “Yes” or “Yes, in part”, does your country’s legal framework provide for the destruction of confiscated firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked (art. 6, para. 2)?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, States are invited to provide, on a voluntary basis, additional information on the destruction method(s) that they apply to illicitly manufactured or trafficked firearms, their parts and components and ammunition:

- Burning
- Cementing
- Cutting
- Deep-sea dumping
- Shredding
- Detonating
- Smelting and recycling
- Other

(b) Does your country keep records of the destroyed firearms, their parts and components and ammunition?

Yes Yes, in part No

(i) If the answer is “Yes” or “Yes, in part”, please provide information on the number and type of firearms, their parts and components and ammunition that have been destroyed in the past three years and by which method. Please provide figures for each year.

(c) If the answer to question 88 is “No” or “Yes, in part”, please explain what other measures your country has taken to prevent confiscated firearms, their parts and components and ammunition from being diverted or falling into the hands of unauthorized persons (art. 6, para. 2).

89. If the answer to question 87 is “Yes” or “Yes, in part”, please specify, on a voluntary basis, what disposal methods, other than destruction, are officially authorized under your country’s legal framework for confiscated firearms, their parts and components and ammunition. Please also explain, if possible, what their respective legal requirements are (art. 6, para. 2):

- Assigned to national institution(s) (e.g., police force, customs, military, etc.)
- Assigned to public officials that are allowed under national legislation to carry a firearm for their personal security

- Sale, donation or transfer to another country
- Sale or transfer for permanent civilian use
- Other

(i) Please provide details.

(a) If other methods of disposal for confiscated firearms, their parts and components and ammunition are applied, are these subject to any of the requirements below (art. 6, para. 2)?

- The method of disposal has been officially authorized.
- The confiscated firearms have been marked.
- The marking and the method of disposal of those firearms and ammunition have been recorded.

(i) Please provide details and examples of the successful implementation of those measures, including where possible pictures of the marking applied to those firearms.

Article 12. Information

90. Consistent with its legal framework, has your country adopted measures to exchange information with other States or organizations to implement the provisions set forth in article 12?

Yes Yes, in part No

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

(b) If the answer is “Yes” or “Yes, in part”, does this exchange include relevant information on matters such as the ones below?

(i) Case-specific information on authorized producers, dealers, importers, exporters, carriers of firearms, their parts and components and ammunition (art. 12, para. 1)

Yes No

(ii) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition (art. 12, para. 2 (a))

Yes No

(iii) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition, and ways of detecting them (art. 12, para. 2 (b))

Yes No

(iv) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition (art. 12, para. 2 (c))

Yes No

(v) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (art. 12, para. 2 (d))

Yes No

(c) Please list and describe the most relevant and successful measures and good practices adopted by your country to support the exchange of information with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

(d) Please cite the applicable policies, laws and regulations, arrangements and/or other measures. Please describe your experience, lessons learned and provide some examples of successful implementation of effective information exchange practices.

91. Has your country shared with other parties or organizations relevant scientific and technological information useful to law enforcement authorities for enhancing each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities (art. 12, para. 3)?

Yes Yes, in part No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes" or "Yes, in part", please provide details, describe the measures and provide examples and cases of their successful implementation.

92. Does your country conduct checks against national and international records of firearms, their parts and components and ammunition that have been seized, found or recovered and that may have been illicitly manufactured or trafficked?

Yes Yes, in part No

(a) If the answer is "No", please explain.

(b) If the answer is "Yes" or "Yes, in part", please indicate the competent authority or authorities and the legal requirements and procedure(s) that apply in your country for domestic and international tracing and give examples of their application.

(c) Does your country maintain records of:

Incoming tracing requests?

Outgoing tracing requests?

(i) Please provide details.

(d) States are invited to provide examples of successful tracing, describe lessons learned, including challenges and difficulties encountered in tracing, and assess the effectiveness of their domestic and international tracing practices.

(e) States are invited to provide, on a voluntary basis, additional information on the number and type of traced firearms, their parts and components and ammunition in their own territory, and in other countries, in the past three years. If available, please provide figures for each year.

93. Has your country adopted measures and arrangements to enable it to receive and send requests for international cooperation for the purpose of tracing firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked (art. 18, para. 3 (g), of the Organized Crime Convention and art. 12, para. 4, of the Firearms Protocol)?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, please cite the applicable policies, laws and regulations and/or other measures adopted to provide for such cooperation and provide examples of its successful implementation.

(b) Has your country adopted measures to ensure the provision of prompt responses to requests for assistance in tracing firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked? (art. 12, para. 4)?

Yes Yes, in part No

(i) If the answer is “Yes” or “Yes, in part”, please cite the applicable policies, laws and regulations and/or other measures and provide examples of their successful implementation.

(c) Has your country taken measures to guarantee the confidentiality of the information received from another State party, or to comply with any restrictions on the use of such information, when requested to do so by the State that provided this information, in accordance with article 12, paragraph 5?

Yes Yes, in part No

(i) If the answer is “Yes” or “Yes, in part”, please cite the relevant policies, laws and regulations and/or measures.

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

(iii) States are invited to provide, on a voluntary basis, additional information on how many requests for assistance for the purpose of tracing of firearms, parts and components and ammunition they have received in the past three years, and how many requests they have submitted to other countries in the past three years.

(iv) If possible, please also provide information about the countries with which your country had the most active or passive tracing cooperation over the past five years. Please also describe the channels of cooperation used.

Article 13. Cooperation

94. Has your country designated a national body or a single point of contact pursuant to article 13, paragraph 2, of the Firearms Protocol, to act as liaison with other States parties on matters relating to the Protocol?

Yes No

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

(b) If the answer is “Yes”, please provide any available information related to the name, function and address of such designated national body or point of contact.

95. Has your country adopted measures or entered into any bilateral, regional and international arrangement for cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (art. 13, para. 1)?

Yes Yes, in part No

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

(b) If the answer is “Yes” or “Yes, in part”, please describe those measures and arrangements and cite the applicable policies, laws and regulations and/or other measures. Please mention whether your country is part of a regional organization with common measures for import export and transit licensing procedures, based on a customs union and an area without internal frontiers in which the free movement of goods is ensured.

96. In addition to the measures developed against the removal of firearms marking envisaged in article 8, paragraph 2, of the Firearms Protocol, has your country established mechanisms or other measures to seek and benefit from the support and the cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition, to prevent, combat and eradicate illicit manufacturing and trafficking (art. 13, paras. 1 and 3)?

Yes No

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

(b) If the answer is “Yes”, please describe the type of cooperation that your country has established with any of the actors mentioned above and cite the applicable policies, laws and regulations and/or other measures.

Difficulties encountered

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

Yes Yes, in part No

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

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

Yes No

(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.).

99. 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?

Yes No

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

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

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

Yes No

(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

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

Yes No

(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.

(b) Technological assistance and equipment:

- Marking and record-keeping
- Identification and tracing of firearms
- Transfer controls
- Collection campaigns
- Deactivation and destruction
- Stockpile management

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

Yes No

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

(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.

(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.
