



# 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 II

### 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

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



review mechanisms should be appropriately reflected in the responses. In particular, when reviewing 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 judgement and discretion when answering those questions.]

One delegation has 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 II: prevention, technical assistance, protection measures and other measures (arts. 24, 25, 29, 30 and 31 of the Convention)

#### Article 24. Protection of witnesses

1. Does your country take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by the Convention and the Protocols to which it is a party (art. 24, para. 1)?

Yes  No

2. If the answer to question 1 is “Yes”, do such measures, without prejudice to the rights of the defendant, include the following?

(a) The establishment of procedures for the physical protection of witnesses, for example their relocation and the non-disclosure or limitations on the disclosure of information concerning their identity and whereabouts (art. 24, para. 2 (a))

Yes  No

(b) The provision of domestic evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as through the use of communications technology (art. 24, para. 2 (b))

Yes  No

(c) Other measures, please specify.

3. If the answer to question 1 is “Yes”, do such measures extend protection, as appropriate, to relatives of witnesses and other persons close to them?

Yes  No

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

4. Has your country entered into agreements or arrangements with other States for the relocation of witnesses and/or victims insofar as they are witnesses and, as appropriate, for their relatives and other persons close to them in order to ensure their physical protection from potential retaliation or intimidation (art. 24, para. 3)?

Yes  No

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

5. Has your country taken appropriate measures within its means to provide assistance and protection to victims of offences covered by the Convention and the Protocols to which it is a party, in particular in cases of threat of retaliation or intimidation (art. 25, para. 1)?

Yes  No

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

6. Has your country established appropriate procedures to provide access to compensation and restitution for victims of offences covered by the Convention and the Protocols to which it is a party (art. 25, para. 2)?

Yes  No

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

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

Yes  No

(a) Please explain as appropriate.

#### Article 29. Training and technical assistance

8. Has your country initiated, developed or improved training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, as well as other personnel charged with the prevention, detection and control of the offences covered by the Convention and the Protocols to which it is a party (art. 29, para. 1)?

Yes  No

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

(b) Please also specify whether the following are included in such training programmes:

(i) Secondment and exchange of staff

Yes  No

(ii) Methods used in the prevention, detection and control of the offences covered by the Convention

Yes  No

(iii) Routes and techniques used by persons suspected of involvement in offences covered by the Convention, including in transit States, and appropriate countermeasures

Yes  No

(iv) Monitoring of the movement of contraband

Yes  No

(v) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes

Yes  No

(vi) Collection of evidence

Yes  No

(vii) Control techniques in free trade zones and free ports

Yes  No

(viii) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations

Yes  No

(ix) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology

Yes  No

(x) Methods used in the protection of victims and witnesses

Yes  No

9. Has your country assisted other States parties in planning and implementing research and training programmes designed to share expertise in the areas referred to article 29, paragraph 1, of the Convention (art. 29, para. 2)?

Yes  No

(a) If the answer is "Yes", please provide examples.

10. Has your country promoted training and technical assistance to facilitate extradition and mutual legal assistance (art. 29, para. 3)?

Yes  No

(a) If the answer is "Yes", please provide examples and describe best practices and/or challenges with regard to the promotion of training.

(b) If the answer is "Yes", please provide examples and describe best practices and/or challenges with regard to technical assistance.

(c) Please also specify whether the following are included in such training and technical assistance:

(i) Language training

Yes  No

(ii) Secondments and exchange among personnel in central authorities or agencies with relevant responsibilities

Yes  No

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

Yes  No

(a) If the answer is "Yes", please provide examples.

**Article 30. Other measures: implementation of the Convention through economic development and technical assistance**

12. Has your country cooperated with developing countries with a view to developing the capacity of the latter to prevent and combat transnational organized crime (art. 30, para. 2 (a))?

Yes  No  Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

13. Has your country provided financial or material assistance to support the efforts of developing countries to fight transnational organized crime effectively and help them to implement the Convention successfully (art. 30, para. 2 (b))?

Yes  No  Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

14. Has your country cooperated with developing countries and countries with economies in transition to strengthen their capacity to prevent and combat transnational organized crime, as well as in providing them with technical assistance in order to assist them in meeting their needs for implementation of the Convention (art. 30, para. 2 (c))?

Yes  No  Not applicable

(a) If the answer is “Yes”, please provide examples and describe best practices.

15. Has your country concluded any bilateral or multilateral agreement or arrangement on material and logistical assistance for the prevention, detection and control of transnational organized crime (art. 30, para. 4)?

Yes  No

(a) [Please provide details (previously four boxes, one per cluster)]

**Article 31. Prevention**

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

Yes  No

(a) If the answer is “Yes”, please provide some examples.

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

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry

Yes  No

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants

Yes  No

(c) The prevention of the misuse of legal persons by organized criminal groups, in particular by:

(i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons and the exchange of information contained therein

Yes  No

(ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by the Convention and the Protocols to which your country is a party from acting as directors of legal persons incorporated within the jurisdiction of your country

Yes  No

(iii) The establishment of national records of persons disqualified from acting as directors of legal persons and the exchange of information contained therein

Yes  No

(d) If the answer to any of the questions 17 (a)–(c) is “Yes”, States parties are invited to share their experiences, on a voluntary basis.

18. Does your country promote the reintegration into society of persons convicted of offences covered by the Convention and the Protocols to which it is a party (art. 31, para. 3)?

Yes  No

(a) If the answer is “Yes”, please specify the manner in which your country promotes the reintegration into society of persons convicted of offences covered by the Convention and the Protocols to which it is a party.

19. Has your country taken any action to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31, para. 4)?

Yes  No

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

20. Has your country taken any action to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime, as well as public participation in preventing and combating such crime (art. 31, para. 5)?

Yes  No

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

21. Has your country informed the Secretary-General of the United Nations of the name and address of the authority or authorities that could assist other State parties in developing measures to prevent transnational organized crime (art. 31, para. 6)?

Yes  No

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

22. Has your country been involved in collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations in order to promote and develop measures to prevent transnational organized crime and, in particular, to alleviate the circumstances that render socially marginalized groups vulnerable to the action of such crime (art. 31, para. 7)?

Yes  No

(a) If the answer is “Yes”, please provide examples of collaboration frameworks, projects and/or measures with other States parties or relevant international and regional organizations.

**Difficulties encountered**

23. 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**

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

Yes  No

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

26. 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)

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

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

### Cluster II: prevention, technical assistance, protection measures and other measures (arts. 6, 7 and 9 of the Protocol)

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

28. Under your country's legal framework, are there measures to protect the privacy and identity of victims of trafficking in persons, in appropriate cases and to the extent possible (art. 6, para. 1)?

Yes  No

(a) If yes, please provide examples or links to published policy or guidance, such as specific measures under your legal framework regarding the identity and protection of and assistance to victims of trafficking in persons, including making legal proceedings relating to such trafficking confidential.

29. Does your country's legal or administrative system, contain measures to provide victims of trafficking in persons, in appropriate cases, with the following (art. 6, para. 2)?

(a) Information on relevant court and administrative proceedings (art. 6, para. 2 (a))

Yes  No

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence (art. 6, para. 2 (b))

Yes  No

(c) Please provide further details on such measures, if needed.

30. Has your country taken any of the following measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, as addressed in article 6, paragraph 3, of the Protocol?

(a) Appropriate housing for victims of trafficking in persons (art. 6, para. 3 (a))

Yes  No

(b) Counselling and information in a language that they can understand, in particular with respect to their legal rights (art. 6, para. 3 (b))

Yes  No

(c) Medical, psychological and material assistance (art. 6, para. 3 (c))

Yes  No

(d) Employment, educational and training opportunities (art. 6, para. 3 (d))

Yes  No

(e) If the answer to any of the questions 30 (a)–(d) is “Yes”, please provide information on such measures, if needed.

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

31. In implementing protective measures for victims of trafficking in persons, does your country take into account the age, gender and special needs of such victims, in particular the special needs of children, including appropriate housing, education and care (art. 6, para. 4)?

Yes  No

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

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

32. Has your country taken any measures to provide for the physical safety of victims of trafficking in persons while they are within its territory (art. 6, para. 5)?

Yes  No

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

33. Does your country’s domestic legal framework contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered (art. 6, para. 6)?

Yes  No

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

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

#### **Article 7. Status of victims of trafficking in persons in receiving States**

34. Has your country adopted legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory temporarily or permanently, in appropriate cases, while giving appropriate consideration to humanitarian and compassionate factors (art. 7, paras. 1 and 2)?

Yes  No

(a) Please elaborate.

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

35. Has your country established comprehensive policies, programmes and other measures to prevent and combat trafficking in persons (art. 9, para. 1 (a))?

Yes  Yes, in part  No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

36. Has your country established comprehensive policies, programmes and other measures to protect victims of trafficking in persons, especially women and children, from revictimization (art. 9, para. 1 (b))?

Yes  Yes, in part  No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

37. Has your country undertaken measures, such as research, information and mass media campaigns and social and economic initiatives, to prevent and combat trafficking in persons (art. 9, para. 2)?

Yes  Yes, in part  No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

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

Yes  Yes, in part  No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

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

Yes  Yes, in part  No

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

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

Yes  Yes, in part  No

(a) If the answer is “Yes” or “Yes, in part”, please cite the relevant law or policy or provide links to published policy or guidance.

41. [States are invited to share, on a voluntary basis, examples of their experiences and challenges, in preventing and combating trafficking in persons, to identify, protect and assist vulnerable persons and victims of such trafficking, including for the purpose of facilitating the referral of potential cases of trafficking to competent authorities, and promoting cooperation with regard to all of the above (pending final review after translation).]

42. [States parties are invited to provide information on contact details of focal points/coordinator/authorities for the purposes of the implementation of the Trafficking in Persons Protocol.]

43. [States parties are invited to explain their internal coordination mechanisms between government departments on implementation.

(a) Please explain.]

44. [States are invited to indicate if they have a national action plan or strategy to combat trafficking in persons. (Several delegations asked for the question to be removed on the account that it is covered under question 35. One delegation requested that it be retained.)]

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

#### Difficulties encountered

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

Yes  No

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

#### Need for technical assistance

46. 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)

47. 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.

48. 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 II: prevention, technical assistance, protection measures and other measures (arts. 8, 9, 14, 15 and 16 of the Protocol)

##### Article 8, Measures against the smuggling of migrants by sea, and article 9, Safeguard clauses

49. Has your country adopted specific legislative, administrative and other measures against smuggling of migrants at sea (art. 8, in conjunction with arts. 7 and 9)?

Yes  No

(a) If the answer is “Yes”, please specify. Please also include information on operational challenges, successes and best practice.

50. Which of the measures below are applied by your country to enable the provision of assistance to migrants smuggled by sea whose lives are in imminent danger (art. 8, para. 5)?

- Review of or amendment to legislation, strategies or national action plans to provide basic assistance to smuggled migrants
- Review of or amendment to legislation to ensure that the provision of humanitarian assistance to smuggled migrants is not criminalized
- Allocation of resources to support the provision of basic assistance to smuggled migrants whose lives and safety are endangered, ensuring that the State covers the full cost of assistance and that the migrants do not bear it
- Establishment of procedures to provide urgently required medical care, access to health facilities, food, water and sanitation, as well as other necessary goods and services
- Investigation and prosecution of all allegations of failure to assist smuggled migrants whose lives and safety are endangered
- Other measure (please specify)

51. With particular regard to the smuggling of migrants by sea, has your country notified the Secretary-General of the United Nations of the authority designated to receive and respond to requests for assistance (art. 8, para. 6)?

Yes  No

(a) If the answer is “Yes”, please include relevant information.

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

52. Has your country built the capacity of border, immigration and law enforcement officials, diplomatic and consular representatives, to prevent, combat and eradicate the smuggling of migrants while respecting the rights of smuggled migrants as set forth in article 14, paragraphs 1 and 2, of the Protocol?

Yes  No

(a) If the answer is “Yes”, please specify which of the topics below were covered by the capacity-building activities:

- International and domestic legal framework to combat the smuggling of migrants
- Protecting and assisting smuggled migrants
- Assisting and rescuing smuggled migrants whose lives are in imminent danger
- Preventing the smuggling of migrants
- International law enforcement cooperation (e.g., joint investigation teams and information-sharing)
- Other topics (please specify)

(b) Please also provide details on the following types of capacity-building activities:

- Improving the security and quality of travel documents (art. 14, para. 2 (a))
- Recognizing and detecting travel or identity documents that have been produced fraudulently (art. 14, para. 2 (b))
- Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected of being engaged in the smuggling of migrants, the methods used to transport smuggled migrants and the means of concealment (art. 14, para. 2 (c))
- Improving procedures for detecting smuggled migrants at conventional and non-conventional points of entry and exit ((art. 14, para. 2 (d))
- The humane treatment of migrants and the protection of their rights (art. 14, para. 2 (e))

(c) Please provide more details on the aforementioned types of capacity-building activities that are provided and their frequency.

53. Has your country built the capacity of criminal justice institutions to prevent, combat and eradicate the smuggling of migrants while protecting the rights of smuggled migrants?

Yes  No

(a) If the answer is “Yes”, please specify which of the topics below were covered by the capacity-building activities:

- International and domestic legal framework to combat the smuggling of migrants
- Investigation methods and techniques in migrant smuggling cases
- The prosecuting and sentencing of migrant smuggling cases
- Financial investigations and prosecutions
- Witness protection
- The humane treatment of migrants and the protection of their rights (art. 14, para. 2 (e))
- Improving judicial cooperation and mutual legal assistance
- Other topics (please specify)

(b) Please provide more details on the type of capacity-building activities provided and their frequency.

54. In which areas would diplomatic and consular representatives need more capacity-building?

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

Yes  No

#### Article 15. Other prevention measures

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

Yes  No

(a) If the answer is “Yes”, please indicate below for which target audience they were:

- Law enforcement officials, such as the police, immigration and border officials
- Navy and military personnel
- Magistrates
- Parliamentarians
- Commercial carriers
- Media
- Schools and universities
- Diaspora communities
- Civil society at large
- Potential migrants
- Other (please specify)

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

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

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

**Article 16. Protection and assistance measures**

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

Yes  No

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

(b) If the answer is "Yes", please specify.

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

Yes  No

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

(b) If the answer is "Yes", please specify.

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

Yes  No

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

(b) If the answer is "Yes", please specify.

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

Yes  No

(a) If the answer is "Yes", please specify the measures taken by your country to address the special needs of women and children who have been smuggled.

62. In the case of detention of smuggled migrants, do your country's competent authorities comply with the obligation under the Vienna Convention on Consular Relations to inform those persons without delay about the provisions of the Convention concerning notification to and communication with consular officers (art. 16, para. 5)?

Yes  No

**Difficulties encountered**

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

Yes  No

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

**Need for technical assistance**

64. 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)

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

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

67. 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 II: prevention, technical assistance, protection measures and other measures (arts. 7, 9, 10, 11, 14 and 15 of the Protocol)

###### Article 7. Record-keeping

68. Has your country's legal framework established measures requiring the recording and maintenance of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition for the purpose of tracing and identifying those items, in accordance with article 7 of the Firearms Protocol?

Yes  Yes, in part  No

(a) If the answer is "Yes" or "Yes, in part", does your country's record-keeping requirements relate to:

- Firearms  
 Parts and components  
 Ammunition  
 Other (please specify)

(b) If the answer to question 68 is "Yes" or "Yes, in part", please cite the applicable laws and regulations and/or other measures in place.

(c) If the answer to question 68 is "Yes, in part" or "No", please explain how information and records related to firearms, their parts and components and ammunition are treated under your country's legal framework.

(d) If the answer to question 68 is "Yes" or "Yes, in part", please specify if your country's legal framework establishes any minimum duration for this information to be kept (art. 7):

- Less than 10 years  
 At least 10 years  
 Other

(i) Please explain, if needed.

(e) If the answer to question 68 is "Yes" or "Yes, in part", does the recorded information allow for the identification and tracing of firearms and, where appropriate and feasible, their parts and components and ammunition that are illicitly manufactured or trafficked, and the prevention and detection of such activities (art. 7)?

Yes  Yes, in part  No

(i) Please provide details.

(f) Please specify whether the required records also provide for the following information (art. 7, paras. (a)–(b), and art. 15, para. 1 (c)):

- (i) Marking of firearms, as required under article 8 of the Firearms Protocol  
 Yes  Yes, in part  No
- (ii) Information related to the transfer of these items, including the issuance and expiration date of the transfer licence or authorization  
 Yes  Yes, in part  No
- (iii) Countries, where appropriate, involved in a transfer (export, import and transit countries)  
 Yes  Yes, in part  No
- (iv) Final recipient of the transferred items  
 Yes  Yes, in part  No
- (v) Name and location of brokers involved in the transaction (art. 15)  
 Yes  Yes, in part  No
- (vi) Description and quantity of transferred items  
 Yes  Yes, in part  No
- (vii) Other relevant information, please specify below.

(g) If the answer to any of the questions 68 (f) (i)–(vi) is “Yes, in part” or “No”, please explain.

(h) States are invited to provide, on a voluntary basis, additional details on their domestic record-keeping system, such as (i) on how information is maintained (e.g., manually or digitalized and in a centralized system or divided among different institutions); and (ii) which entity or entities have the legal obligation to ensure that information on firearms and, where possible and feasible, their parts and components and ammunition is maintained.

#### Article 9. Deactivation of firearms

69. Has your country taken legislative or other measures to prevent the illicit reactivation of deactivated firearms consistent with the general principle of deactivation (art. 9, paras. (a)–(c))?

Yes  Yes, in part  No

(a) Does your country’s legal framework recognize deactivated firearms as firearms?

Yes  Yes, in part  No

(b) If the answer to question 69 is “Yes”, or “Yes, in part”, please cite the applicable laws and regulations and/or other measures.

(c) If the answer to question 69 is “Yes, in part” or “No”, please explain how deactivated firearms are treated under your country’s legal framework.

70. If the answer to question 69 is “Yes” or “Yes, in part”, does your country’s legal framework require that deactivated firearms be rendered permanently inoperable and incapable of removal, replacement or modification, in a manner that would permit the firearm to be reactivated in any way (art. 9, para. (a))?

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, and describe the specific criteria adopted by your country to regulate the deactivation of firearms and to prevent their illicit reactivation.

(b) If the answer is “Yes, in part” or “No”, please explain how the deactivation of firearms is treated under your national legal framework.

71. If the answer to question 69 is “Yes” or “Yes, in part”, does your country’s legal framework require a verification of the deactivation process by a competent authority (art. 9, para. (b))?

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.

(b) Please describe the specific criteria adopted under your country’s legal framework to verify the deactivation process and identify the responsible competent authority. Please provide examples of the successful implementation of this provision and attach an example of a certificate or record issued by the competent authority upon successful verification of the deactivation (art. 9, para. (c)).

(c) If the answer to question 71 is “Yes, in part” or “No”, please explain how non-compliance with the deactivation requirements and illicit reactivation of deactivated firearms are treated under your country’s legal framework.

#### **Article 10. General requirements for export, import and transit licensing or authorization systems**

72. Has your country established a system of export and import licensing or authorization and measures on international transit for the transfer of firearms, their parts and components or ammunition (art. 10, para. 1)?

Yes  Yes, in part  No

(a) If the answer is “Yes” or “Yes, in part”, States parties are invited to provide copies of their applicable laws and regulations and/or other measures and describe the requirements in place for the issuance of licences or authorizations.

(b) If the answer is “Yes” or “Yes, in part”, do these licensing or authorization requirements apply to:

- Firearms?
- Parts and components?
- Ammunition?

Please explain, if needed.

(c) If the answer is “Yes, in part” or “No”, please explain how the aforementioned conducts are regulated under your country’s legal framework.

(d) If your country is part of any other international regime 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, you are invited to explain how the transfer of firearms, their parts and components and ammunition are regulated within this space by your country’s legal framework.

73. If the answer to question 72 is “Yes” or “Yes, in part”, does the issuance of export licences or authorizations for shipments of firearms, their parts and components and ammunition require the prior verification that:

(a) The importing States have issued import licences or authorizations (art. 10, para. 2 (a))?

Yes  No

(b) The transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit (art. 10, para. 2 (b))?

Yes  No

(c) States parties are invited to provide copies of their applicable laws and regulations and/or other measures and explain, if needed.

74. If the answer to question 72 is “Yes” or “Yes, in part”, does the import or export licence or authorization and accompanying documentation together include[, at a minimum,] the following type of information (art. 10, para. 3)?

- Place and date of issuance
- Date of expiration
- Country of export
- Country of import
- Country of transit (if applicable)
- Final recipient
- Description of the items
- Quantity of firearms, their parts and components and ammunition

- Other (such as export licence authorization, end user certificate and marking data [and name and location of involved brokers]), please specify:

75. What kind of measures and procedures has your country adopted to ensure the security of the licensing or authorization procedures and that the authenticity of the licensing or authorization documents can be verified or validated (art. 10, para. 5)?

- Requirement to provide the information contained in the import licence in advance to the transit country (art. 10, para. 3)
- Requirement for importing countries upon request to inform the exporting country of the receipt of the dispatched shipment (art. 10, para. 4)
- Use of end use and end user certificates or other means of verification to ensure the security of transfers

(a) States may also wish to indicate, on a voluntary basis, any other security measure or procedure in place.

(b) Please cite the applicable, laws and regulations and/or other measures and provide examples of the successful implementation of such measures.

76. Please explain, on a voluntary basis, whether your country's legal framework has adopted simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes (art. 10, para. 6).

Yes  Yes, in part  No

(a) If the answer is "No", please explain how temporary imports, exports and transits are treated under your country's legal framework.

(b) If the answer is "Yes" or "Yes, in part", which of the following are considered under your national legal framework as verifiable lawful purposes?

- Hunting
- Sport shooting
- Repairs
- Evaluation
- Exhibitions
- Other

Please explain, if needed.

(c) Please cite the applicable laws and regulations and/or other measures and provide examples of the implementation of simplified procedures in your country.

#### Article 11. Security and preventive measures

77. Has your country taken measures to require the security of firearms, their parts and components and ammunition at the following stages (art. 11, para. (a))?

– At the time of manufacture

Yes  Yes, in part  No

– At the time of import, export or transit through its territory

Yes  Yes, in part  No

– [At the time of storage in government stocks]

Yes  Yes, in part  No

– [At the time of storage in private stocks]

Yes  Yes, in part  No

(a) If the answer to any of the questions above is “Yes” or “Yes, in part”, please describe the most relevant and successful measures. Please also cite the applicable policies, laws and regulations and provide examples of their successful implementation.

(b) If the answer to any of the questions above is “Yes, in part” or “No”, please explain how your country’s competent authorities detect, prevent and eliminate the theft, loss or diversion of firearms, their parts and components and ammunition.

78. Has your country adopted any measures at the national, bilateral, regional or multilateral level to increase the effectiveness of import, export and transit controls, including border control and/or transborder cooperation, to prevent and combat illicit firearms manufacturing and trafficking offences (art. 11, para. (b))?

Yes  Yes, in part  No

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

(b) If the answer is “Yes” or “Yes, in part”, please explain what measures your country has adopted to increase the effectiveness of import, export and transit controls? Please summarize the measures, cite the relevant laws and regulations or policies and provide examples of their successful implementation.

(c) If the answer is “Yes” or “Yes, in part”, please explain what measures your country has adopted to increase the effectiveness of border controls and the transborder cooperation between your police and customs agencies and that of other States. Please summarize the measures, cite the relevant laws and regulations or policies and provide examples of their successful implementation.

#### Article 14. Training and technical assistance

79. Has your country provided to or received from other countries and international organizations training and technical assistance necessary to enhance the ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

Yes  No

(a) If the answer is “Yes”, please describe briefly the type of assistance and to whom it was provided or from whom it was received.

#### Article 15. Brokers and brokering

80. Has your country established a system for regulating the activities of those who engage in brokering (art. 15, para. 1)?

Yes  Yes, in part  No

(a) If the answer is “No”, has your country considered establishing such a system? Please explain.

(b) If the answer is “Yes” or “Yes, in part”, States are invited to explain whether such system includes:

(i) The registration of brokers operating within their territory

Yes  Yes, in part  No

(ii) The licensing or authorization of brokering

Yes  Yes, in part  No

(iii) The disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction (art. 15, para. 1 (c), in conjunction with art. 10)

Yes  Yes, in part  No

(c) If the answer to any of these questions is “Yes, in part”, or “No”, States parties are invited to explain.

(d) If the answer to any of these questions is “Yes” or “Yes, in part”, States parties are invited to provide copies of their applicable laws and regulations and/or other measures and to provide examples of the successful implementation of measures adopted to comply with this provision and related court or other cases.

(e) States are invited to highlight, on a voluntary basis, one or more practices that they consider to be good practices in the implementation of broker control regimes, and those that might be consistent with the Firearms Protocol.

81. If your country has established a system of authorization of brokers, is the information on brokers and brokering activities included:

(a) As part of the records retained in accordance with article 7 of the Firearms Protocol (art. 15, para. 2)?

Yes  Yes, in part  No

(b) As part of the exchange of information established under article 12 of the Firearms Protocol<sup>1</sup> (art. 15, para. 2)?

Yes  Yes, in part  No

<sup>1</sup> Article 12 is reviewed under cluster IV.

- (i) If the answer to question 81 (a) or (b) is “Yes, in part”, or “No”, please explain.

- (ii) Please cite the applicable policies, laws and regulations and/or other measures and provide examples of the successful implementation of measures adopted, related court or other cases, including examples of investigations, prosecutions or convictions or acquittals related to the implementation of article 15.

**Other measures to prevent the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

82. States are invited to indicate, on a voluntary basis, whether they have implemented any other measures or programmes to prevent the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, such as:

- Adoption of more strict or severe measures than those provided for by the Firearms Protocol (art. 34, para. 3, of the Organized Crime Convention)
- Evaluation of national projects (art. 31, para. 1, of the Convention)
- Establishment and promotion of best practices and policies (art. 31, para. 1, of the Convention)
- Periodic evaluation of legal instruments and administrative practices, policies, action plans and other measures relating to firearms control, with a view to detecting their vulnerability to misuse by organized criminal groups (art. 31, para. 4, of the Convention)
- Promotion of public awareness regarding the existence, causes and gravity of and the threat posed by illicit manufacturing of and trafficking in firearms (art. 31, para. 5, of the Convention)
- Arms collection or voluntary surrender or buy-back campaigns
- Public destruction of obsolete, collected and/or confiscated weapons
- Conducting firearms surveys
- Collecting, exchanging and analysing data and information on the nature of organized crime and of illicit trafficking flows, their routes and patterns (art. 28 of the Convention)
- Other measure (please specify)

(a) If one or more of the above have been selected, please describe the concrete measures taken and cite the applicable policies or laws and regulations, and provide examples of their successful implementation.

**Difficulties encountered**

83. 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.

84. 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 documents (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, policy studies, etc.).

85. 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.

86. 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”, do any of the issues 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**

87. 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 and 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
  - Record-keeping systems
  - 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.

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