



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 III

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

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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 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 III: law enforcement and the judicial system (arts. 7, 11, 19, 20, 22, 26, 27 and 28 of the Convention)

Article 7. Measures to combat money-laundering

1. Has your country instituted a domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to detect and deter all forms of money-laundering (art. 7, para. 1 (a))?

Yes No

(a) If the answer is “Yes”, please identify the legal nature of the institutions to which such a regime is applicable.

(b) If the answer to question 1 is “Yes”, does your country’s regime require:

(i) Customer identification?

Yes No

– If the answer is “Yes”, please specify the customer identification required under your country’s regime.

(ii) Record-keeping?

Yes No

– If the answer is “Yes”, please specify the record-keeping required under your country’s regime.

(iii) Reporting suspicious transactions?

Yes No

– If the answer is “Yes”, please provide examples on, inter alia, the criteria used for identifying suspicious transactions or the sanctions imposed for non-compliance with reporting requirements.

(iv) Bearing in mind article 7, States are invited to provide, on a strictly voluntary basis, additional information relating to deterrents to and the detection of money-laundering, such as customer verification, including by providing assessments and other relevant evaluations or links thereto.

2. Does your country enable the administrative, regulatory, law enforcement or, where appropriate, judicial authorities in charge of efforts against money-laundering to cooperate and exchange information at the national [and international] level[s] (art. 7, para. 1 (b))?

Yes No

(a) If the answer is yes, please describe the channels used for such exchange of information.

(b) If the answer is “Yes”, has a financial intelligence unit been established in your country to serve as a national centre for the collection, analysis and dissemination of information related to money-laundering activities?

Yes No

(c) If the answer is “Yes”, please provide information on the financial intelligence unit established in your country.

3. Has your country implemented measures to detect and monitor the movement of cash and appropriate negotiable instruments across its borders (art. 7, para. 2)?

Yes No

(a) If the answer is “Yes”, please specify and provide, in particular, any available information on safeguards to ensure the proper use of information and the unimpeded movement of legitimate capital.

4. Does your country participate in any global, regional, subregional or bilateral frameworks geared towards promoting cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering (art. 7, para. 4)?

Yes No

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

Article 11. Prosecution, adjudication and sanctions

5. Does your country make the commission of offences covered by the Convention and the Protocols to which it is a party liable to sanctions that take into account the gravity of those offences (art. 11, para. 1)? [One delegation mentioned that this could create a duplication with the questions on sanctions in cluster I.]

Yes No

6. Has your country taken measures to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings (art. 11, para. 3)?

Yes No

7. Has your country established, where appropriate, a long statute of limitations period in which to commence proceedings for any offence covered by the Convention and the Protocols to which it is a party and a longer period where the alleged offender has evaded the administration of justice (art. 11, para. 5)?

Yes Yes, in part No

(a) Please explain briefly, including, where appropriate, the length of the statute of limitations period.

Article 19. Joint investigations

8. Has your country or competent authorities entered into any bilateral or multilateral agreement or arrangement whereby, in relation to matters concerning the offences covered by the Convention and the Protocol to which it is a party that are the subject of investigation, prosecution or judicial proceedings in one or more States parties, the competent authorities concerned may establish joint investigative bodies (art. 19)?

Yes No

9. In the absence of any agreement or arrangement of the sort referred to in question 8, does your country permit joint investigations to be undertaken by agreement on a case-by-case basis (art. 19)?

Yes No

10. States are invited to share examples of their positive experiences, good practices and/or challenges in applying the Convention regarding bilateral or multilateral agreements or arrangements for the establishment of joint investigative bodies.

Article 20. Special investigative techniques

11. Does your country's legal framework allow for the use of special investigative techniques for the purpose of effectively combating organized crime and investigating the offences covered by the Convention and the Protocols to which your State is a party (art. 20, para. 1)?

Yes No

12. If your answer to question 11 is "Yes", does your country take measures to allow the use of special investigative techniques, such as:

(a) Controlled delivery?

Yes No

(b) Electronic or other forms of surveillance?

Yes No

(c) Undercover operations?

Yes No

(d) Other techniques?

Yes No

(i) Please explain.

13. If the answer to question 12 (b) is "Yes", please provide, if possible, information on electronic surveillance in your country, in particular as it relates to the sharing of information or evidence obtained with foreign law enforcement and judicial authorities.

14. States are invited to provide, on a voluntary basis, any available information on the conditions prescribed by its domestic law applicable to the aforementioned special investigative techniques (art. 20, para. 1).

15. States are invited to provide, where appropriate, information concerning whether they have concluded any bilateral or acceded to any multilateral agreement or arrangement for using special investigative techniques in the context of international cooperation to combat transnational organized crime (art. 20, para. 2)?

16. States are invited to share information about whether, in accordance with their domestic legal framework and in the absence of any agreement or arrangement of the sort referred to in question 15, they permit the use of special investigative techniques at the international level on a case-by-case basis (art. 20, para. 3).

Article 22. Establishment of criminal record

17. [If your country has adopted legislative or other measures to take into consideration, where appropriate, any previous conviction in another country of an alleged offender for the purpose of using such information in criminal proceedings relating to offences covered by the Convention and the Protocols to which it is a party, it is invited to provide information on such legislation or other measures (art. 22).]

Article 26. Measures to enhance cooperation with law enforcement authorities

18. Does your country take measures to encourage persons who participate or have participated in organized criminal groups to provide information useful to competent authorities for investigative and evidentiary purposes or any other concrete help that may contribute to depriving organized criminal groups of their resources or proceeds of crime (art. 26, para. 1)?

Yes No

(a) If the answer is “Yes”, does your domestic law provide for the possibility of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention and the Protocols to which your country is a party (art. 26, para. 2)?

Yes No

(b) If the answer is “Yes”, does your domestic law provide for the possibility of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence or offences covered by the Convention and the Protocols to which your country is a party (art. 26, para. 3)?

Yes No

19. Has your country entered into any bilateral or multilateral agreement or arrangement with other States parties concerning the treatment (mitigating punishment, immunity) of persons who can provide substantial cooperation to the competent authorities of either contracting party (art. 26, para. 5)?

Yes No

(a) States parties are invited to provide information.

Article 27. Law enforcement cooperation

20. Consistent with domestic legal and administrative systems, have the competent authorities of your country established or enhanced, where necessary, channels of communication with their counterparts in other States parties in order to facilitate the

secure and rapid exchange of information concerning all aspects of offences covered by the Convention and the Protocols to which your country is a party, including, where appropriate, links with other criminal activities (art. 27, para. 1 (a))?

Yes No

21. Consistent with domestic legal and administrative systems, has your country taken any measures to promote law enforcement cooperation with other States parties in conducting inquiries with respect to offences covered by the Convention and the Protocols to which it is a party (art. 27, para. 1 (b)), in particular in relation to:

(a) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned?

Yes No

(b) The movement of proceeds of crime or property derived from the commission of such offences?

Yes No

(c) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences?

Yes No

22. Has your country adopted any measures to provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes (art. 27, para. 1 (c))?

Yes No

23. Has your country adopted any measures to facilitate effective coordination with competent authorities, agencies and services of other States parties and promote the exchange of personnel or the posting of liaison officers (art. 27, para. 1 (d))?

Yes No

24. Has your country adopted any measures to promote the exchange of information with other States parties on specific means and methods used by organized criminal groups, including routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities (art. 27, para. 1 (e))?

Yes No

25. Has your country adopted any measures to promote the exchange of information and the coordination of administrative measures with other States parties for the purpose of early identification of the offences covered by the Convention and the Protocols to which it is a party (art. 27, para. 1 (f))?

Yes No

26. Has your country entered into any bilateral or multilateral agreement or arrangement on direct cooperation between law enforcement agencies to give effect to the Convention and the Protocols to which it is a party (art. 27, para. 2)?

Yes No

(a) If the answer is "Yes", States are invited to share examples of their positive experiences, good practices and/or challenges in applying the Convention regarding bilateral or multilateral agreements or arrangements on direct cooperation between law enforcement agencies.

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Article 28. Collection, exchange and analysis of information on the nature of organized crime

27. Has your country established a practice of analysing, in consultation with the scientific and academic communities, trends in organized crime within its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved (art. 28, para. 1)?

Yes No

(a) If the answer is “Yes”, please provide examples of such practice, as related to the offences covered by the Convention and the Protocols of which your State is a party.

28. Has your country developed and shared analytical expertise concerning organized criminal activities with other States parties and through international and regional organizations? If so, were common definitions, standards and methodologies developed and applied (art. 28, para. 2)?

Yes No

(a) If the answer is “Yes”, please provide examples of the sharing of expertise that has been developed by your country and shared by it with other States parties and through international and regional organization.

29. Does your country monitor its policies and actual measures to combat organized crime and make assessments of their effectiveness and efficiency (art. 28, para. 3)?

Yes No

(a) If the answer is “Yes”, please specify the monitoring and the assessments undertaken by your country.

Difficulties encountered

30. 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

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

Yes No

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

33. 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)

34. 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 III: law enforcement and the judicial system (arts. 11, 12 and 13 of the Protocol)

Article 11. Border measures

35. Has your country strengthened border controls to prevent and detect trafficking in persons (art. 11, para. 1)?

Yes No

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

36. Has your country adopted legislative or other measures to prevent the means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of the Protocol (art. 11, para. 2)?

Yes No

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

37. Do the measures referred to in question 36 include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State (art. 11, para. 3)?

Yes Yes, in part No

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

38. Has your country taken the measures necessary, in accordance with domestic law, to provide for sanctions in cases of violation of the obligations set forth in article 11, paragraph 3, of the Protocol (art. 11 para. 4)?

Yes Yes, in part No

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

39. Has your country taken measures that permit, in accordance with domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with the Protocol (art. 11, para. 5, in conjunction with art. 5)?

Yes No

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

40. Has your country taken measures to strengthen cooperation between your border control agencies and those of other States parties, such as by establishing and maintaining direct channels of communication (art. 11, para. 6)?

Yes No

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

Article 12. Security and control of documents

41. Has your country taken measures to ensure that travel or identity documents issued by it are of such quality that they cannot be easily misused and readily falsified or unlawfully altered, replicated or issued (art. 12, para. (a))?

Yes No

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

42. Has your country taken measures to ensure the integrity and security of travel or identity documents issued by or on behalf of your country and to prevent their unlawful creation, issuance and use (art. 12, para. (b))?

Yes No

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

Article 13. Legitimacy and validity of documents

43. Has your country taken measures to ensure that requests from another State party to verify the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of having been used for trafficking in persons are responded to, in accordance with your domestic law, within a reasonable time (art. 13)?

Yes No

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

Difficulties encountered

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

Yes No

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

Need for technical assistance

45. 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)

46. 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.

47. 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 III: law enforcement and the judicial system (arts. 11, 12 and 13 of the Protocol)

Article 11. Border measures

48. Have your country's competent authorities strengthened border measures in order to prevent and detect the smuggling of migrants (art. 11, para. 1)?

Yes No

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

49. Has your country adopted any legislative or other appropriate measures to prevent means of transport operated by commercial carriers from being used in the commission of the offence of smuggling of migrants (art. 11, para. 2)?

Yes No

(a) If the answer is "Yes", please specify and provide any available information on whether such measures include establishing the obligation of commercial carriers to ascertain that all passengers are in possession of the travel documents required for entry into the country, as well as on any sanctions in cases of violation of such obligation (art. 11, paras. 3–4).

50. Does your country's legal framework provide for any measures that permit the denial of entry or revocation of visas of persons implicated in the commission of offences related to the smuggling of migrants (art. 11, para. 5, in conjunction with art. 6)?

Yes No

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

51. Has your country taken any measures to strengthen cooperation with the border control agencies of other States parties by, inter alia, establishing and maintaining direct channels of communication (art. 11, para. 6)?

Yes No

Article 12. Security and control of documents

52. Has your country taken any measures to ensure the adequacy of the quality and the integrity and security of travel or identity documents issued by its competent authorities (art. 12)?

Yes No

(a) If the answer is "Yes", please specify which measures have been adopted.

Article 13. Legitimacy and validity of documents

53. Do your country’s competent authorities, in accordance with your domestic law, verify at the request of another State party, within a reasonable time, the legitimacy and validity of travel or identity documents issued or purported to have been issued in your country’s name and suspected of being used for the smuggling of migrants (art. 13)?

Yes No

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

Difficulties encountered

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

Yes No

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

Need for technical assistance

55. 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 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)

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

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

58. 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.
