

Resolution 10/1

Launch of the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

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

Reaffirming that the United Nations Convention against Transnational Organized Crime and the Protocols thereto¹ represent the principal worldwide legal instruments to prevent and combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming also their importance as the main tools available to the international community for this purpose,

Recalling article 32 of the Convention, pursuant to which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of States parties to combat transnational organized crime and promote and review the implementation of the Convention,

Recalling also that in article 32 of the Convention it is stated that the Conference shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling further, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, 7/1 of 10 October 2014 and 8/2 of 21 October 2016,

Reaffirming its resolution 9/1 of 19 October 2018, in which it adopted 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 and decided to launch the preparatory phase of the review process,

Taking note of relevant General Assembly resolutions, in particular resolution 74/177 of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly welcomed the adoption of Conference resolution 9/1 and urged States parties to implement and support the Mechanism,

1. *Takes note with appreciation* of the work carried out during the preparatory phase of the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto by the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1;

2. *Adopts* the self-assessment questionnaires for the review of the implementation of the Convention and the Protocols thereto, the guidelines for conducting the country reviews and the blueprint for the lists of observations and the summaries, as finalized by the open-ended intergovernmental expert group and annexed to the present resolution;

3. *Decides* to launch the first review phase of the review process in accordance with the thematic clusters and multi-year workplan contained in the appendix to the procedures and rules for the functioning of the Mechanism, contained in Conference resolution 9/1, and with the guidelines for conducting the country reviews;

¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

4. *Takes note* of the information provided by the United Nations Office on Drugs and Crime on the development of the new secure module of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime, as requested in paragraph 8 of its resolution 9/1, and requests the Office to finalize the development of the module before the beginning of the review process, which will take place immediately after the drawing of lots referred to in paragraph 17 of the procedures and rules;

5. *Requests* the United Nations Office on Drugs and Crime, in accordance with resolution 9/1 and the annex thereto, including paragraph 54, and in accordance with the rules of procedure for the Conference of the Parties, to provide training, including online training, to States parties on the use of the new secure module of the Sharing Electronic Resources and Laws on Crime portal;

6. *Requests* the secretariat to convene, no later than six weeks after the adoption of the present resolution, a joint intersessional meeting of the working groups, without interpretation, to draw lots to select the States parties under review and reviewing States parties, in accordance with paragraphs 17, 28 and 29 of the procedures and rules, and to use the automated system developed by the secretariat for the purpose of the drawing of lots in accordance with the procedures and rules;

7. *Stresses* the importance of ensuring under future budget cycles the efficient, continued and impartial functioning of the Mechanism, in accordance with the provisions of the procedures and rules, and decides to consider taking appropriate measures, including, if necessary, requesting the Secretary-General to take appropriate action;

8. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations and with the procedures and rules for the functioning of the Mechanism, including its paragraph 54.

Annex I

Guidelines for conducting the country reviews

1. During the country reviews, States parties, including their governmental experts, and the secretariat of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime are to be guided by the relevant provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and 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 (Conference of the Parties resolution 9/1, annex). Appropriate arrangements should reflect the specific nature and extent of competences of regional organizations that are parties to the Convention and its Protocols.
2. In order to facilitate the efficiency of the Implementation Review Mechanism, States parties and the Secretariat are to use their best efforts to adhere to the indicative timelines contained in the paragraphs and figure below.

I. Beginning of the review process

3. At the beginning of the review process, no later than six weeks after its launch on 16 October 2020, after the tenth session of the Conference of the Parties, a joint intersessional meeting of the working groups shall be held, without interpretation, to draw lots to select the States under review and reviewing States, in accordance with paragraphs 17 and 28 of the procedures and rules for the functioning of the Mechanism.
4. In accordance with paragraph 17 of the procedures and rules, all States are to be divided into three groups to start their reviews. The reviews in the first review phase are to be staggered over three consecutive years, with their start dates as follows: 1 December 2020 for the first group, 1 November 2021 for the second group and 1 November 2022 for the third group.
5. Each State party shall appoint a focal point to coordinate its participation in the review and make this information available on the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal two weeks after the start of its participation in the review process as a reviewing State or a State party under review. States parties are encouraged to provide their focal points' contact information, including email address, office phone number and location and hours of work.
6. States parties should designate governmental experts to carry out the country review four weeks after the start of their participation in the review process as a reviewing State or a State party under review.
7. The Secretariat will provide instructions to States parties on how their focal points, governmental experts and permanent missions can create an account in the secure module of SHERLOC.

II. Preparation by governmental experts

8. The governmental experts are encouraged to prepare themselves by:
 - (a) Thoroughly studying the Convention and the relevant Protocols, as well as 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 and the present guidelines for conducting the country reviews;

(b) Familiarizing themselves with the official records of the negotiation of the Convention and the relevant Protocols, particularly those parts pertaining to the articles that are the subject of the relevant review phase. The Secretariat will make available on the web page of the Implementation Review Mechanism and on the secure module of SHERLOC a list of useful publications and tools² to support governmental experts in the review process;

(c) Familiarizing themselves with the legal system of the State party under review, including, where applicable, relevant judicial decisions issued by higher national courts of that State. For this purpose, the governmental experts conducting the review may seek support from the State party under review in enhancing their understanding of the legal system of that State;

(d) Familiarizing themselves with any reservation to or declaration on the Convention and its Protocols formulated by the State party under review.

III. Country review

9. Bearing in mind the full text of the relevant questionnaires on the Convention and its three Protocols, during each of the four review phases, as described in the procedures and rules, the State party under review will provide responses to the part of the self-assessment questionnaire pertaining to the cluster being reviewed in that specific phase.

10. Each phase of the country review will comprise the elements contained in the procedures and rules, including: (a) the responses to the relevant part of the self-assessment questionnaire; (b) the written feedback (in the drafting of which States parties are encouraged not to exceed 10,500 words), prepared by the reviewing States, and the constructive dialogue between governmental experts in accordance with paragraph 35 of the procedures and rules; and (c) the preparation and finalization of the lists of observations by the reviewing States parties, in close collaboration and coordination with the State party under review and with the assistance of the Secretariat, as well as summaries of those lists, in accordance with paragraph 38 of the procedures and rules.

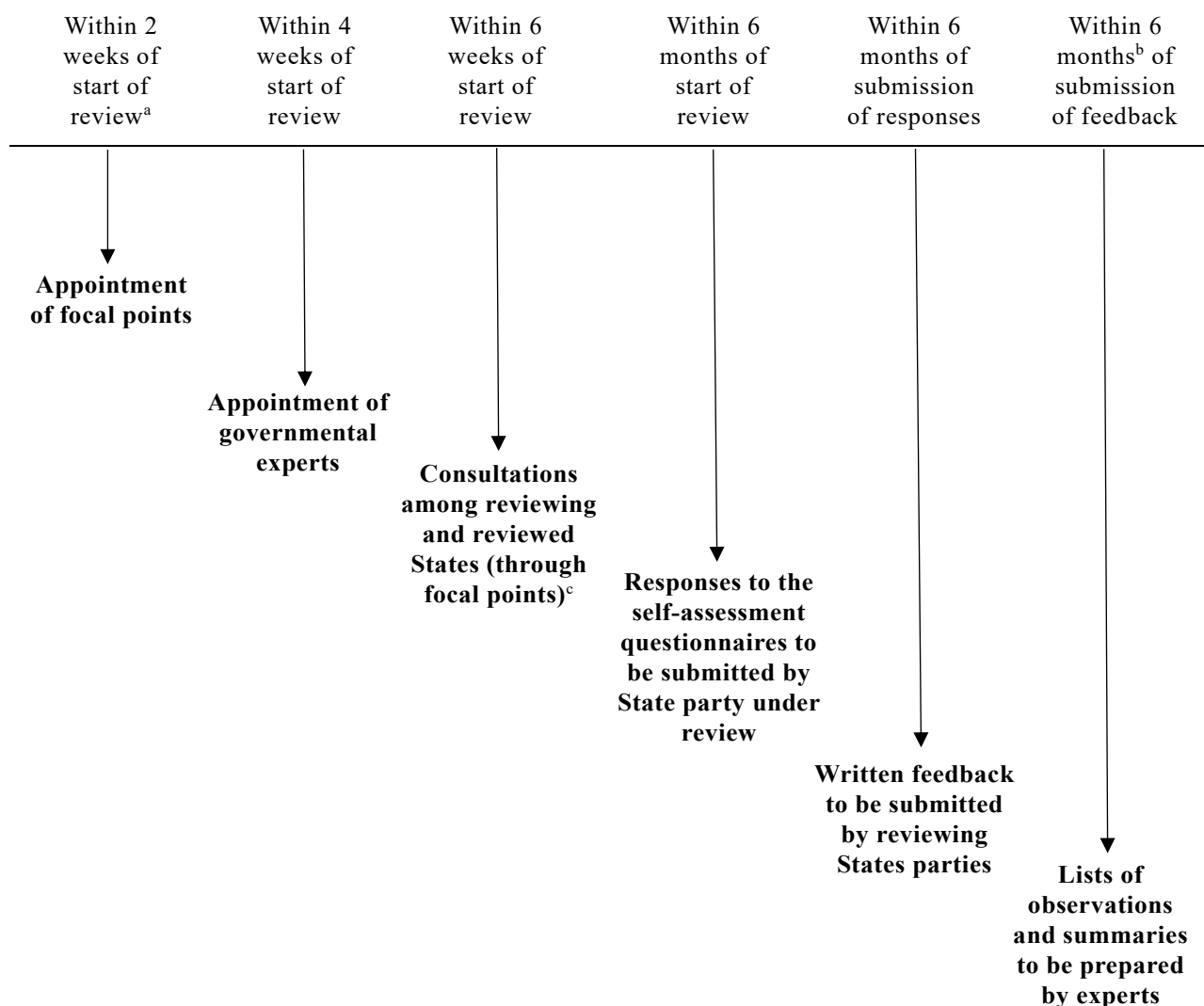
11. The State party under review is to undertake consultations with the reviewing States parties within six weeks of the start of its review, through their focal points and with the assistance of the Secretariat, on the establishment of time frames and the requirements of the country review, in accordance with the present guidelines for conducting the country reviews. The States parties should select the one, two or, in exceptional circumstances, three working language or languages to be used during the review, in accordance with chapter VII of the procedures and rules.

12. When preparing the lists of observations and the summaries thereof, objective and impersonal language will aid understanding. Any abbreviations and acronyms are to be defined upon their first use.

13. If there are grounds for believing that the guiding principles set forth in the procedures and rules have not been respected, the States parties concerned are encouraged to engage in consultations, including on possible action, bearing in mind the provision contained in paragraph 30 of the procedures and rules.

² The list will include the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*.

Timeline of a review process



^a The drawing of lots for all States parties will take place no later than six weeks after 16 October 2020; each year, one third of the States parties will be reviewed. The reviews are to be staggered over three consecutive years, with the start date for each group as follows: 1 December 2020, 1 November 2021 and 1 November 2022.

^b To allow for processing of documentation.

^c The country review process may be conducted in any one or two of the working languages of the Mechanism that may be decided upon by the State party under review and the reviewing States parties. In exceptional circumstances, the review process may be conducted in three working languages.

Annex II

Blueprint for the list of observations for country reviews³

Review by [names of reviewing States parties] of the implementation by [name of State party under review] of article[s] [number(s) of articles; cluster one/two/three/four] of the [United Nations Convention against Transnational Organized Crime] [Protocol supplementing the United Nations Convention against Transnational Organized Crime] in years [...] of review phase [one/two/three/four] of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

I. Introduction

1. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established in accordance with article 32 of the Convention to, inter alia, promote and review the implementation of the Convention and the Protocols thereto.
2. In accordance with article 32, paragraph 4, of the Convention, the Conference established, at its ninth session, held in Vienna from 15 to 19 October 2018, the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
3. The Implementation Review Mechanism is an intergovernmental process, the overall goal of which is to assist States parties in implementing the Convention and the Protocols thereto.
4. The country review is undertaken on the basis of articles 32 and 34 of the Convention, as well as 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 (Conference of the Parties resolution 9/1, annex).

II. Process

5. The following review of the implementation by [name of State party under review] of [the Convention] [Protocol supplementing the Convention] is based on the completed responses to the self-assessment questionnaire received from [name of State party under review] and any supplementary information provided in accordance with paragraph 19 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, as well as the outcome of the constructive dialogue between the governmental experts from [States parties participating in the review], as foreseen in paragraph 35 of the procedures and rules, by means of [communications archived in the designated confidential module in the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal and other available technological tools, such as virtual networks, conference calls and videoconferences,] and involving [names of experts involved]. The supplementary information provided by the State party under review consisted of the following: [links to reports and relevant pages and titles of other sources]. Those links and electronic copies of those sources are to be made available on SHERLOC.

³ Prepared in accordance with paragraph 15 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.

III. List of observations for the review of [name of the State party under review]

6. As described in paragraphs 38 and 39 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, the State party under review and the reviewing States parties have agreed on the following list of observations regarding the review of [name of State party under review]:

- (a) Gaps and challenges in the implementation of the provisions under review;
- (b) Best practices;
- (c) Suggestions;
- (d) Any technical assistance needs identified to improve the implementation of the [Convention] [Protocol].

Blueprint for the summary of the list of observations for the review of [State party under review]⁴

I. Ratification of the [Convention] [Protocol]

1. [Name of State party under review] deposited its instrument of ratification with the Secretary-General on [date].

II. Implementation of the articles of the [Convention] [Protocol] under review

Articles [numbers of articles]

Observations

- A. [Observations of the governmental experts with regard to gaps and challenges in the implementation of the articles under review.]
- B. [Observations of the governmental experts with regard to best practices in the implementation of the articles under review.]
- C. [Suggestions identified by the governmental experts to improve the implementation of the articles under review.]
- D. [Technical assistance needs identified by the governmental experts to improve the implementation of the articles under review, where applicable.]

⁴ Prepared in accordance with paragraph 15 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. The summaries of the lists of observations are not to exceed 1,500 words in length.

Annex III

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

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 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. Governmental 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, governmental 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, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

I. United Nations Convention against Transnational Organized Crime

Cluster I: criminalization and jurisdiction (arts. 2, 5, 6, 8, 9, 10, 15 and 23 of the Convention)

Article 2. Use of terms

1. Does your country’s legal framework include the definitions set forth in article 2?

Yes Yes, in part No

(a) Please explain.

2. Does your country’s legal framework permit it to implement the Convention without adopting the specific definitions set forth in article 2?

Yes Yes, in part No

(a) Please explain.

Article 5. Criminalization of participation in an organized criminal group

3. Is participation in an organized criminal group criminalized under your country’s legal framework, in accordance with article 5?

Yes No

(a) If the answer to question 3 is “Yes”, does participation in an organized criminal group consist of agreeing with one or more other persons to commit a serious crime in order to obtain, directly or indirectly, a financial or other material benefit (art. 5, para. 1 (a) (i))?

Yes Yes, in part No

(i) If the answer to question 3 (a) is “Yes”, does the criminal offence as provided in your domestic law require an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group (art. 5, para. 1 (a) (i))?

Yes Yes, in part No

(b) If the answer to question 3 is “Yes”, does participation in an organized criminal group consist of taking an active part in the criminal activities of an organized criminal group with knowledge of either the aim and general criminal activity of that group or its intention to commit the crimes concerned, or taking an active part in other activities of an organized criminal group in the knowledge that such participation will contribute to the achievement of the criminal aim of that group (art. 5, para. 1 (a) (ii))?

Yes Yes, in part No

(c) If the answer to question 3 (a) is “Yes”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

(d) If the answer to question 3 (a) is “Yes in part” or “No”, please specify how participation in a criminal group is treated under your country’s framework.

4. If your domestic law requires an act in furtherance of the agreement, has your country so informed the Secretary-General of the United Nations, as required under article 5, paragraph 3?

Yes No

5. Does your country’s legal framework establish as criminal offences the acts of organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group (art. 5, para. 1 (b))?

Yes Yes, in part No

(a) Please explain, if needed.

Article 6. Criminalization of the laundering of proceeds of crime

6. Is the laundering of proceeds of crime criminalized under your country’s legal framework, in accordance with article 6, paragraph 1 (a), of the Convention (art. 6, paras. 1 (a) (i)–(ii))?

Yes Yes, in part No

(a) If the answer is “Yes, in part”, please specify the manner in which the laundering of proceeds of crime is criminalized under your country’s legal framework.

7. Are the acquisition, possession and use of property known at the time of receipt to be the proceeds of crime criminalized under your country’s legal framework (art. 6, para. 1 (b) (i))?

Yes Yes, in part No

(a) Please explain briefly.

8. Are participation in, association with and conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of a money-laundering offence criminalized under your country’s legal framework (art. 6, para. 1 (b) (ii))?

Yes Yes, in part No

(a) Please explain briefly.

9. If the answer to question 6, 7 or 8 is “Yes”, are all serious crimes and the offences covered by the Convention and the Protocols to which your State is a party predicate offences under your domestic law to the offence of money-laundering (art. 6, paras. 2 (a) and (b))?

Yes No

(a) If the answer is “No”, please specify which of the offences covered by the Convention and the Protocols to which your State is a party are not predicate offences under your domestic law to the offence of money-laundering (art. 6, para. 2 (b)).

10. Please provide information on the scope of predicate offences set out in your domestic law, including any list of specific predicate offences that may be set out by your domestic law; indicate, for example, the relevant acts and article numbers (art. 6, para. 2 (b)).

11. Does your country’s legal framework include predicate offences committed outside your country’s jurisdiction (art. 6, para. 2 (c))?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, please describe the circumstances under which a predicate offence committed in a foreign jurisdiction may be recognized pursuant to your domestic law.

12. Has your country furnished copies of its laws that give effect to article 6 and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations (art. 6, para. 2 (d))?

(a) If yes, please provide a link.

(b) If not, please provide this information.

Article 8. Criminalization of corruption

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the United Nations Convention against Corruption.

13. Is the conduct described in article 8, paragraph 1 (a), criminalized in your country’s legal framework?

Yes Yes, in part No

(a) Please explain briefly.

14. Is the conduct described in article 8, paragraph 1 (b), criminalized in your country’s legal framework?

Yes Yes, in part No

(a) Please explain briefly.

15. Is the form of corruption described in article 8, paragraph 1, involving a foreign public official or international civil servant criminalized in your country’s legal framework (art. 8, para. 2)?

Yes Yes, in part No

(a) If appropriate, please explain briefly.

16. Is any other form of corruption established as a criminal offence in your country's legal framework (art. 8, para. 2)?

Yes Yes, in part No

(a) If appropriate, please explain briefly.

17. Is participation as an accomplice in offences established in accordance with article 8 criminalized under your country's legal framework (art. 8, para. 3)?

Yes No

Article 9. Measures against corruption

The review of articles 8 and 9 of the Convention is only for those States parties to the Organized Crime Convention that are not parties to the Convention against Corruption.

18. Has your country adopted measures to promote integrity and to prevent, detect and punish the corruption of public officials (art. 9, para. 1)?

Yes No

(a) If the answer is "Yes", please specify the measures implemented to promote integrity and to prevent, detect and punish the corruption of public officials.

19. Has your country taken measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions (art. 9, para. 2)?

Yes No

(a) If the answer is "Yes", please specify the measures implemented to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

Article 10. Liability of legal persons

20. Is the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences covered by the Convention and the Protocols to which your State is a party established under your country's legal framework (art. 10)?

Yes Yes, in part No

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

21. If the answer is "Yes", is this liability:

(a) Criminal?

Yes No

(b) Civil?

Yes No

(c) Administrative?

Yes No

22. What kind of sanctions are provided for in your country's legal framework to implement article 10, paragraph 4, bearing in mind article 11, paragraph 6, of the Convention?

Article 15. Jurisdiction

23. Are there any circumstances under which your country does not have jurisdiction over offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party committed in its territory (art. 15, para. 1 (a))?

Yes No

(a) If the answer is "Yes", please specify the circumstance(s) under which your country does not have jurisdiction over offences committed in its territory.

24. Does your country have jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which it is a party when the offences are committed on board a vessel flying its flag or an aircraft registered under its laws (art. 15, para. 1 (b))?

Yes Yes, in part No

(a) If the answer is "Yes" or "Yes, in part", please specify the manner in which your country has jurisdiction to prosecute the offences covered by the Convention and the Protocols to which it is a party, in accordance with article 15, paragraph 1 (b).

25. Does your country's legal framework allow for the following extraterritorial jurisdictional bases:

(a) Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory by its nationals (or stateless persons who have habitual residence in the country) (art. 15, para. 2 (b))?

Yes No

(b) Jurisdiction to prosecute the offences established in accordance with articles 5, 6, 8 and 23 of the Convention and the Protocols to which your country is a party when committed outside its territory against its nationals (art. 15, para. 2 (a))?

Yes No

(c) Jurisdiction to prosecute participation in an organized criminal group that occurred outside its territory with a view to the commission of a serious crime (art. 2, para. (b)) within its territory (art. 15, para. 2 (c) (i))?

Yes No

(d) Jurisdiction to prosecute ancillary offences related to money-laundering offences committed outside its territory with a view to the commission of the laundering of proceeds of crime in its territory (art. 15, para. 2 (c) (ii))?

Yes No

Article 23. Criminalization of obstruction of justice

26. Is obstruction of justice in relation to offences covered by the Convention and the Protocols to which your country is a party criminalized under your country's legal framework, in accordance with article 23 of the Convention?

Yes Yes, in part No

(a) Please explain briefly.

Criminalization: cases and judgments

27. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

28. 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

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

Yes No

30. If the answer is "Yes", please specify the type of technical assistance needed.

31. 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)

32. 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 I: criminalization and jurisdiction (arts. 3 and 5 of the Protocol)

Article 3, Use of terms, and article 5, Criminalization

33. Is trafficking in persons, when committed intentionally, criminalized under your country's legal framework (art. 5, para. 1, in conjunction with art. 3)?

Yes Yes, in part No

(a) If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

34. If the answer to question 33 is "Yes, in part" or "No", please specify how trafficking in persons is treated under your country's legal framework.

35. If the answer to question 33 is “Yes”, is trafficking in persons treated as a criminal offence in your country, in accordance with article 3, paragraph (a), of the Protocol (combination of three elements: action, means and purpose of exploitation)?

Yes No

(a) Please explain.

36. If the answer to question 33 is “Yes”, are the following actions of trafficking in persons criminalized in your country (art. 3, para. (a))?

(a) Recruitment

Yes No

(b) Transportation

Yes No

(c) Transfer

Yes No

(d) Harboursing

Yes No

(e) Receipt of persons

Yes No

(f) Other actions, please specify.

(g) Please provide further detail, if needed.

37. If the answer to question 33 is “Yes”, do the means of trafficking in persons consist of any of the following (art. 3, para. (a))?

(a) Threat or the use of force or other forms of coercion

Yes No

(b) Abduction

Yes No

(c) Fraud

Yes No

(d) Deception

Yes No

(e) Abuse of power

Yes No

(f) Abuse of position of vulnerability

Yes No

(g) The giving or receiving of payments or benefits to achieve the consent of a person having control over another person

Yes No

(h) Other means, please specify.

(i) Please provide further details, if needed.

38. If the answer to question 33 is “Yes”, does the purpose of exploitation include, at a minimum, any of the following (art. 3, para. (a))?

(a) The exploitation of the prostitution of others or other forms of sexual exploitation

Yes No

(b) Forced labour or services

Yes No

(c) Slavery or practices similar to slavery

Yes No

(d) Servitude

Yes No

(e) The removal of organs

Yes No

(f) Other purpose, please specify.

(g) Please provide further details, if needed.

39. Does your country ensure that, when the means set forth in article 3, paragraph (a), of the Protocol have been established, the consent of the victim to the intended exploitation is irrelevant (art. 3, para. (b))?

Yes No

(a) Please explain.

40. Does your country’s legal framework criminalize trafficking in children (recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation) even where it does not involve any of the means set forth in article 3, paragraph (a), of the Protocol (art. 3, para. (c))?

Yes No

(a) If yes, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

41. Who is considered to be a “child” under your country’s legal framework (art. 3, para. (d)):

“Child” means any person under 18 years of age (art. 3, para. (d))?

Other? Please specify.

42. Subject to the basic concepts of your legal framework, does your country criminalize attempting to commit trafficking in persons (art. 5, para. 2 (a), in conjunction with art. 3)?

Yes Yes, in part No

(a) Please explain. If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

(b) If your answer is “No”, do the basic concepts of your legal framework prevent the adoption of measures to criminalize attempting to commit trafficking in persons?

43. Does your country criminalize participating as an accomplice in trafficking in persons (art. 5, para. 2 (b), in conjunction with art. 3)?

Yes Yes, in part No

(a) Please provide further details, if needed.

(b) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

44. Does your country criminalize organizing or directing other persons to commit trafficking in persons (art. 5, para. 2 (c), in conjunction with art. 3)?

Yes Yes, in part No

(a) If your answer is “Yes” or “Yes, in part”, please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

Criminalization: cases and judgments

45. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

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

Yes No

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

Need for technical assistance

47. 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)

48. 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.

49. 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 I: criminalization and jurisdiction (arts. 3, 5 and 6 of the Protocol)

Article 3, Use of terms, article 5, Criminal liability of migrants, and article 6, Criminalization

50. Is the smuggling of migrants criminalized under your domestic legal framework (art. 6, para. 1)?

Yes No

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

(b) If the answer is “Yes”, is the smuggling of migrants defined in your country as a criminal offence, in accordance with article 3, paragraph (a)?

51. Is in particular the purpose of obtaining a “financial or other material benefit” a constituent element of the offence, in accordance with article 6, paragraph 1, in conjunction with article 3, paragraph (a), of the Protocol?

Yes No

52. Can the presence of a “financial or other material benefit”, when appropriate, constitute an aggravating circumstance of the crime?

Yes No

(a) Please cite the applicable laws and/or other measures, including the applicable sanctions for this offence.

53. Does your country’s legal framework make a distinction between the smuggling of migrants and trafficking in persons?

Yes No

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

54. Is producing, procuring, providing or possessing a fraudulent travel or identity document (as defined in art. 3, para. (c)) for the purpose of smuggling migrants criminalized under your country’s legal framework (art. 6, para. 1 (b)), or as a related offence or offences?

Yes No

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

55. Is enabling a person who is not a national of or a permanent resident in your country to remain in its territory without complying with the necessary requirements for legally remaining, by using the means referred to in question 54 or any other illegal means, criminalized under your domestic legislation (art. 6, para. 1 (c))?

Yes No

56. Does your country's legal framework establish as a criminal offence the attempt to commit the offences referred to in questions 50, 54 and 55 (art. 6, para. 2 (a), in conjunction with art. 6, para. 1)?

Yes No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

57. Is participating as an accomplice in the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (b), in conjunction with art. 6, para. 1)?

Yes No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

58. Is organizing or directing other persons to commit the offences referred to in questions 50, 54 and 55 criminalized under your country's legal framework (art. 6, para. 2 (c), in conjunction with art. 6, para. 1)?

Yes No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

59. Does your country adopt such legislative and other measures as might be necessary to establish as aggravating circumstances to any of the offences referred to in questions 50, 54, 55, 57 and 58, conduct that endangers, or is likely to endanger, the lives or safety of the smuggled migrants or that subjects them to inhuman or degrading treatment, including for exploitation (art. 6, para. 3, in conjunction with art. 6, paras. 1 and 2)?

Yes No

(a) If the answer is "Yes", please cite the applicable laws and/or other measures, including the applicable sanctions.

Criminalization: cases and judgments

60. States are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

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

Yes No

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

62. If domestic legislation has not been adapted to the Protocol requirements, what steps remain to be taken? Please specify.

Need for technical assistance

63. 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)

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

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

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.

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 I: criminalization and jurisdiction (arts. 3, 5 and 8 of the Protocol)

General information

67. States are invited to list other multilateral, regional or bilateral international firearms control regimes to which they are a party.

Article 3. Use of terms

68. Does your country's legal framework permit your country to implement the Firearms Protocol without adopting the specific definitions set forth in article 3 of the Firearms Protocol?

Yes Yes, in part No

(a) Please explain.

69. Does your country's legal framework include definitions for the following terms?

(a) Firearms (art. 3, para. (a))

Yes Yes, in part No

(i) If the answer is "Yes" or "Yes, in part", are antique firearms and their replicas excluded from the definition of firearms?

Yes No

– Please indicate any method or threshold used to exclude antique firearms and describe any criterion used to exclude replicas from the scope of application of your country's national laws on firearms.

(ii) If the answer to question 69 (a) is "Yes" or "Yes, in part", do weapons that may be readily converted to expel a shot, bullet or projectile by the action of an explosive⁵ fall under the definition of firearms in your country's legal framework (art. 3, para. (a))?

Yes No

(b) Parts and components of firearms (art. 3, para. (b))

Yes No

⁵ A convertible weapon is a device capable of being converted to expel a shot, bullet or projectile which has the appearance of a firearm, and, as a result of its construction or the material from which it is made, it can be so converted. Explanation: these weapons primarily include short-barrelled weapons (firearms such as pistols and revolvers) built to fire irritant gas ammunition and blank-firing weapons variously referred to as signal, starting and alarm guns, as well as some partially deactivated firearms used as props, for example in film production. Another example is air guns, which can be converted to fire cartridges.

(c) Ammunition (art. 3, para. (c))

Yes No

(i) If the answer is “Yes”, please indicate which of the components of ammunition referred to in article 3, paragraph (c), are themselves subject to authorization in your country.

(d) Tracing (art. 3, para. (f))

Yes No

(e) Other definitions relevant to the implementation of the Firearms Protocol (please cite them).

(f) If the answer to any of the follow-up questions 69 (a) to (e) is “Yes”, please cite the relevant laws or regulations and definitions.

Article 5. Criminalization

70. Is the illicit manufacturing or assembly of firearms, their parts and components, and ammunition, when committed intentionally, a criminal offence under your country’s legal framework, according to article 5, paragraph 1 (a), in conjunction with article 3, paragraph (d)?

Yes Yes, in part No

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

(b) If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of the illicit manufacturing or assembly of firearms, their parts and components, and ammunition?

(i) The manufacturing or assembly of firearms from illicitly trafficked parts and components (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (i))

Yes Yes, in part No

(ii) The manufacturing or assembly of firearms, their parts and components and ammunition without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

Yes Yes, in part No

(iii) The reactivation of deactivated firearms or essential parts thereof without a licence or authorization from a competent national authority (art. 5, para. 1 (a), and art. 3, para. (d) (ii), in conjunction with art. 9 (1))

Yes Yes, in part No

(iv) The conversion of weapons into a firearm without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (ii))

Yes Yes, in part No

(v) The manufacturing or assembly of firearms, without marking them at the time of manufacture or with markings that do not meet the requirements of

article 8 of the Firearms Protocol (art. 5, para. 1 (a), in conjunction with art. 3, para. (d) (iii))

Yes Yes, in part No

(c) If the answer to any of these questions is “Yes” or “Yes, in part”, please cite for each of these modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

(d) If the answer to any of these questions is “Yes, in part” or “No”, please explain how the modalities of the illicit manufacturing or assembly of firearms, their parts and components and ammunition are treated under your country’s legal framework.

71. Is the offence of illicit trafficking in firearms, their parts and components and ammunition, when committed intentionally, criminalized under your country’s legal framework, in accordance with article 5, paragraph 1 (b), in conjunction with article 3, paragraph (e), of the Firearms Protocol?

Yes Yes, in part No

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

(b) If the answer is “Yes” or “Yes, in part”, are the following conducts, when committed intentionally, included in the criminal offence of illicit trafficking in firearms, their parts and components and ammunition?

(i) The import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components or ammunition from or across the territory of one State to that of another State without authorization of any of the countries concerned (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 10)

Yes Yes, in part No

(ii) The import, export, acquisition, sale, delivery, movement or transfer of firearms from or across the territory of one State to that of another State without appropriate marking, in accordance with article 8 of the Firearms Protocol (art. 5, para. 1 (b), in conjunction with art. 3, para. (e), and art. 8)

Yes Yes, in part No

(c) If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of the modalities the applicable laws and regulations and/or other measures, including the applicable sanctions.

(d) If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these modalities of the illicit transfer of firearms, their parts and components and ammunition are treated under your country’s legal framework.

72. If the answer to question 71 is “Yes” or “Yes, in part”, are any of the following actions included in the offence(s) of illicit trafficking established under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

Import

Export

- Acquisition
- Sale
- Delivery
- Movement
- Transfer
- Other, if any

(a) Please provide further details, if needed.

73. If the answer to question 71 is “Yes” or “Yes, in part”, does the offence of illicit trafficking established under your country’s legal framework require a transnational transfer of the items between at least two States to qualify as illicit trafficking under your country’s legal framework (art. 5, para. 1 (b), in conjunction with art. 3, para. (e))?

Yes Yes, in part No

(a) If your answer is “Yes, in part” or “No”, please explain, on a voluntary basis, and cite the applicable laws and regulations and/or other measures.

74. Is the act of falsifying or illicitly obliterating, removing or altering the marking(s) on firearms, when committed intentionally, criminalized under your country’s legal framework according to article 5, paragraph 1 (c), in conjunction with article 8 of the Firearms Protocol?⁶

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, including the applicable sanctions for this offence(s).

(b) If the answer is “Yes, in part” or “No”, please explain how the falsifying, obliterating, removing or altering of required marking(s) on firearms is treated under your country’s legal framework.

75. Subject to the basic concepts of its legal system, does your country’s legal framework criminalize the following ancillary offences:

– Attempting to commit any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

Yes Yes, in part No

– Participating as an accomplice in any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (a))?

Yes Yes, in part No

⁶ The answers to question 74 should be prepared in conjunction with the answers to the relevant questions on the marking of firearms in cluster I.

– Organizing, directing, aiding, abetting, facilitating or counselling the commission of any of the offences covered by article 5, paragraph 1 (art. 5, para. 2 (b))?

Yes Yes, in part No

(a) If the answer to any of the questions above is “Yes” or “Yes, in part”, please cite for each of these offences the applicable laws and regulations and/or other measures, including the applicable sanctions.

(b) If the answer to any of the questions above is “Yes, in part” or “No”, please explain how these conducts are treated under your country’s legal framework.

76. States are invited to provide any information on any additional criminal offences that may be established under their country’s legal framework to enforce the provisions of the Firearms Protocol (art. 34, para. 3, of the Convention, in conjunction with art. 1, para. 2, of the Firearms Protocol):

- Acts related to the failure to keep records of firearms and, where appropriate and feasible, their parts and components and ammunition, and the falsification and destruction of such records, when committed intentionally (art. 7 of the Firearms Protocol)
- Criminalization of acts of intentionally giving false or misleading information likely to unduly influence the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates
- Criminalization of acts related to the intentional falsification or misuse of documents for the purpose of achieving the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, end use or end user certificates
- Criminalization of acts related to the intentional possession or use of fraudulent licences or authorizations in relation to the manufacture or assembly of firearms, their parts and components or ammunition or for actions referred to under article 3, paragraph (e), of the Firearms Protocol, including, when requested by law, fraudulent end use or end user certificates
- Criminalization of intentional acts related to the illicit reactivation of deactivated firearms, consistent with article 9, paragraphs (a) to (c), of the Firearms Protocol
- Criminalization of the illicit brokering of firearms, their parts and components or ammunition and failure to provide required information about brokering activities (see also art. 15)
- Other(s) (please specify)

(a) Please explain and cite the applicable laws and regulations and/or other measures, including the applicable sanctions.

Criminalization: cases and judgments

77. If possible, provide examples, relevant cases or judgments of successful implementation and enforcement for each of the criminal offences reviewed above.

Difficulties encountered

78. 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.

79. 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.).

80. 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 measure(s).

81. 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

82. 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
- 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.

Annex IV

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 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. Governmental 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, governmental 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, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

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.

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 examples of their experiences and challenges, in preventing and combating trafficking in persons related to identifying, protecting and assisting persons vulnerable to trafficking and victims of such trafficking, including for the purposes of facilitating the referral of potential cases of trafficking to competent authorities and promoting cooperation with regard to all of the above.

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.

Difficulties encountered

43. 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

44. 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)

45. 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.

46. 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

47. 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.

48. 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)

49. 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

50. Has your country built the capacity of border, immigration and law enforcement officials, and 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.

51. 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.

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

53. 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

54. 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)

55. 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

56. 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.

57. 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.

58. 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.

59. 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.

60. 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

61. 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

62. 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)

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

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

65. 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

66. 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 66 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 66 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 66 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 66 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 66 (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 8. Marking of firearms

67. Does your country’s legal framework require the unique marking of firearms at the time of manufacturing, in accordance with article 8, paragraph 1 (a), of the Firearms Protocol?

Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, please specify whether the marking applied in your country provide for the following information:

- Name of manufacturer
- Country or place of manufacture

- Serial number
- Simple geometric symbols in combination with numeric or alphanumeric codes
- Other, such as model and calibre (please specify)

(b) If the answer to question 67 is “Yes” or “Yes, in part”, please cite the applicable, laws and regulations and/or other measures.

(c) If the answer to question 67 is “Yes, in part” or “No”, please explain how the marking of firearms is treated under your country’s legal framework.

(d) States are invited to describe, on a voluntary basis, the method(s) and criteria applied for marking and which parts of the firearms have to be marked, and to provide examples and pictures of such marking(s).

(e) States are invited to describe, on a voluntary basis, their experience, lessons learned and examples of implementation of this provision.

68. Does your country’s legal framework require a simple marking on each imported firearm in order to enable competent authorities to identify and trace the firearm (art. 8, para. 1 (b))?

- Yes Yes, in part No

(a) If the answer is “Yes” or “Yes, in part”, please specify whether the import markings applied in your country provide for the following information:

- Country of import
- Year of import, where possible
- Unique marking (if the firearm does not already bear such marking)
- 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.

(c) If the answer to question 68 is “Yes, in part” or “No”, please explain.

(d) States are invited to describe, on a voluntary basis, their experience, lessons learned and examples of implementation of this provision and, where possible, provide pictures of such import marking(s).

69. Recognizing that the requirements of import marking need not be applied to temporary imports of firearms for verifiable lawful purposes, States are invited to

indicate whether import marking is also required for temporarily imported firearms (art. 8, para. 1 (b), in conjunction with art. 10, para. 6).

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 provide details of the marking applied for such temporarily imported firearms.

(b) If the answer is “Yes, in part” or “No”, please explain how the temporary imports of firearms are treated under your country’s legal framework.

70. Does your country’s legal framework require the marking of firearms that are transferred from government stocks to permanent civilian use (art. 8, para. 1 (c))?

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) If the answer is “Yes, in part” or “No”, please explain how transfers of firearms from government stock to permanent civilian use are treated under your country’s legal framework.

(c) If the answer is “Yes” or “Yes, in part”, States are invited to provide, on a voluntary basis, details on the marking applied for firearms that are transferred from government stock to permanent civilian use and to describe their experience, lessons learned and examples of successful implementation of this provision.

71. How has your country encouraged the manufacturing industry to develop measures against the removal or alteration of firearm marking (art. 8, para. 2)?

(a) Please describe the steps taken by your country and provide examples of their implementation, on a voluntary basis.

72. States are invited to indicate, on a voluntary basis, whether their legal framework stipulates more strict or severe measures with regard to marking (in accordance with art. 1, para. 2, of the Firearms Protocol and art. 34, para. 3, of the Organized Crime Convention), such as:

- Requirement to apply additional markings (e.g., security markings or proof marks)
- Requirement to mark parts and components
- Requirement to mark ammunition

(a) If yes, please specify whether the offences referred to in questions 70 (b) (v), 71 (b) (ii) and 74 of cluster I also apply to the cases mentioned above (art. 34, para. 3, of the Convention, and art. 1, para. 2, of the Firearms Protocol).

Yes Yes, in part No

(i) If the answer is “Yes” or “Yes, in part”, please cite the applicable laws and regulations and/or other measures, including the applicable sanctions for those offences.

Article 9. Deactivation of firearms

73. 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 73 is “Yes”, or “Yes, in part”, please cite the applicable laws and regulations and/or other measures.

(c) If the answer to question 73 is “Yes, in part” or “No”, please explain how deactivated firearms are treated under your country’s legal framework.

74. If the answer to question 73 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.

75. If the answer to question 73 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 75 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.

General requirements for the manufacturing of firearms, their parts and components, and ammunition

76. Does your country’s legal framework require manufacturers to hold a licence or other authorization to manufacture the following items (art. 5, para. 1 (a), and art. 3, para. (d))?

(a) Firearms;

Yes Yes, in part No

(b) Ammunition;

Yes Yes, in part No

(c) The parts and components of firearms;

Yes Yes, in part No

(i) If the answer to question 76 (a) and (b) is “Yes” or “Yes, in part”, please provide additional information about the licensing or authorization framework, including any applicable laws or regulations and examples of implementation.

(ii) If the answer to question 76 (c) is “Yes” or “Yes, in part”, States are invited to provide additional information about the licensing or authorization framework, including any applicable laws or regulations and examples of implementation.

77. States are invited to indicate whether their legal framework allows for new and emerging forms of illicit manufacturing, such as additive manufacturing or similar forms of manufacturing, to be addressed.

Yes Yes, in part No

(a) States are invited to provide additional information, including any applicable laws or regulations and examples of implementation.

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

78. 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.

79. If the answer to question 78 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.

80. If the answer to question 78 is “Yes” or “Yes, in part”, does the import or export licence or authorization and accompanying documentation together include 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:

81. 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.

82. 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

83. 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

(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.

84. 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

85. 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

86. 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.

87. 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 Protocol⁷ (art. 15, para. 2)?

Yes Yes, in part No

(i) If the answer to question 87 (a) or (b) is “Yes, in part”, or “No”, please explain.

⁷ Article 12 is reviewed under cluster IV.

(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

88. 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

89. 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.

90. 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.).

91. 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.

92. 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

93. 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.

Annex V

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 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. Governmental 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,

governmental 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, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

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 levels within the conditions prescribed by its domestic law (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)?

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.

Annex VI

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 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. Governmental 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, governmental 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, governmental experts may provide information on a voluntary basis, and no inference is to be drawn from the lack of such information.

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))⁸ 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.

⁸ “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence.

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 in article 12, paragraph 1, for the purpose of eventual confiscation (art. 12, para. 2)?

Yes No

(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).⁹

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)?¹⁰

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.

Article 16. Extradition

18. In your country, is extradition granted:

(a) By statute?

⁹ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

¹⁰ The answer to this question should be considered in conjunction with the answer to the relevant questions on article 18 (Mutual legal assistance).

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)?

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)?

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.¹¹

(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 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)?

¹¹ States are invited to upload relevant agreements or arrangements to SHERLOC.

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)?¹²

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.

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)?

¹² 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 47 and 48 in cluster II.

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 disposal¹³

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 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

¹³ 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.

(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.