**Self-assessment questionnaire for the review of the implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto – Cluster II**

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| **General guidance for replying to the questionnaire**   * States will be reviewed based on the information 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 which 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 under any other questions where appropriate. * 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 are appropriately reflected in the responses. In particular, when reviewing the same legislation for obligations which 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 entail various degrees of requirements. In accordance with the procedures and rules, the Review Mechanism 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 while reviewing them in the following phases of the country review. * Article 1 para. 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 for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto states that “provisions of the Convention that apply to the Protocols, mutatis mutandis, will be reviewed under the Convention only”. In answering the questions related to the implementation of the Convention, States are requested to take into account the application of the relevant provisions of the Convention, as appropriate, to the subject matter of each Protocol to which they are a party. National experts are therefore reminded to include in their answers reference to the application of such provisions of the Convention to the Protocols to which their country is a party. For instance, in answering the questions on the scope of application of article on liability of legal persons, national experts should take into account the applicability of article to the offences covered by the three Protocols and answer accordingly. |
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**United Nations Convention Against Transnational Organized Crime**

**CLUSTER 2** - **Prevention, technical assistance, protection measures and other measures (articles 24, 25, 29, 30, 31 of UNTOC)**

**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 your country is a Party (article 24, para. 1)?

Yes  No

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

1. 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 (article 24, para. 2 (a))?

Yes  No

1. The provision of domestic evidentiary rules that would permit witness testimony to be given in a manner that ensures the safety of the witness such as through the use of communication technologies (article 24, para. 2 (b))?

Yes  No

1. Other measures. Please specify.

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* 1. 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

1. If the answer is “Yes”, please explain.

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* 1. 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 (article. 24, para. 3)?

Yes  No

**Article 25 – Assistance to and protection of victims**

* 1. 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 your country is a party, in particular in cases of threat of retaliation or intimidation (article 25, para. 1)?

Yes  No

1. If the answer is “Yes”, please specify.

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* 1. 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 your country is a party (article 25, para. 2)?

Yes  No

1. If the answer is “Yes”, please specify.

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* 1. 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 (article 25, para. 3)?

Yes  No

1. Please explain as appropriate.

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**Article 29 – Training and technical assistance**

* 1. 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 your country is a party (article 29, para. 1)?

Yes  No

1. If the answer is “Yes”, please provide examples.

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1. Please also specify whether the following are included in such training programmes:
   * 1. Secondment and exchange of staff

Yes  No

* + 1. Methods used in the prevention, detection and control of the offences covered by the Convention

Yes  No

* + 1. Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures

Yes  No

* + 1. Monitoring of the movement of contraband

Yes  No

* + 1. 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

* + 1. Collection of evidence

Yes  No

* + 1. Control techniques in free trade zones and free ports

Yes  No

* + 1. Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations

Yes  No

* + 1. Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology

Yes  No

* + 1. Methods used in the protection of victims and witnesses

Yes  No

* 1. 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 (article 29, para. 2)?

Yes  No

1. If the answer is “Yes”, please provide examples.

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

Yes  No

1. If the answer is “Yes”, please provide examples, best practices and/or challenges on promotion of training.

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1. If the answer is “Yes”, please provide examples, best practices and/or challenges on technical assistance.

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1. Please also specify whether the following are included in such training and technical assistance:
   * 1. Language training

Yes  No

* + 1. Secondments and exchange between personnel in central authorities or agencies with relevant responsibilities

Yes  No

* 1. 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 (article 29, para. 4)?

Yes  No

1. If the answer is “Yes”, please provide examples.

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

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

Yes  No  Not applicable

1. If the answer is “Yes”, please provide examples/best practices.

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* 1. Has your country provided financial or material assistance to support the efforts of developing countries to fight transnational organized crime effectively and help them implement the Convention successfully (article 31, para 2 (b))?

Yes  No  Not applicable

1. If the answer is “Yes”, please provide examples/best practices.
   1. 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 (article 30, para. 2 (c))?

Yes  No  Not applicable

1. If the answer is “Yes”, please provide examples/best practices.

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* 1. 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 (article 30, para. 4)?

Yes  No

1. Please provide separate answer for each relevant subsection [delete boxes – replace with one general box requesting examples (USA, Japan, Spain) – agreed subject to revision at the IEG (text will be redrafted)]:
   * 1. Criminalization and jurisdiction.

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* + 1. Prevention, technical assistance, protection measures and other measures.

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* + 1. Law enforcement and the judicial system.

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* + 1. International cooperation, mutual legal assistance and confiscation.

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**Article 31 – Prevention**

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

Yes  No

1. If the answer is “Yes”, please provide some examples.

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* 1. 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 (article 31, para. 2), including:

1. The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry?

Yes  No

1. 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

1. The prevention of the misuse of legal persons by organized criminal groups, in particular by:
   * 1. 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

* + 1. 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 domiciled in your country’s jurisdiction?

Yes  No

* + 1. The establishment of national records of persons disqualified from acting as directors of legal persons and the exchange of information contained therein?

Yes  No

1. If the answer to any of the sub-questions under question 17 is “Yes”, States parties are invited, on a voluntary basis, to share their experiences.

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

Yes  No

1. 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 your country is a party.

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* 1. 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 (article. 31, para. 4)?

Yes  No

1. If the answer is “Yes”, please provide examples.

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* 1. 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 (article 31, para. 5)?

Yes  No

1. If the answer is “Yes”, please provide examples.

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* 1. Has your country informed the Secretary General of the name and address of the authority or authorities that can assist other State parties in developing measures to prevent transnational organized crime (article 31 para. 6) ?

Yes  No

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

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* 1. 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 (article 31, para. 7)?

Yes  No

1. 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.

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**CLUSTER II - Difficulties encountered**

* 1. Has your country encountered any difficulties or challenges in implementing the Convention? If “yes”, please specify.

Yes  No

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)

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**Need for technical assistance**

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

Yes  No

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

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1. 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/regulation(s)

Model agreement(s)

Standard operating procedures

Development of strategies/policies, including action plans

Dissemination of good practices/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/or awareness-raising

Technological assistance

Establishment or development of IT infrastructure, such as databases or communication tools

Measures to enhance regional cooperation

Measures to enhance international cooperation

Other assistance (please specify)

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* 1. Please provide any other information you believe is important for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to consider [agreed – harmonize in other clusters]regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above.

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

**CLUSTER 2 – Prevention, technical assistance, protection measures and other measures (articles 6 and 7 and 9 of TIP)**

**Article 6 – Assistance to and protection of victims of trafficking in persons**

* 1. 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 (article 6, para. 1)?

Yes  No

1. If yes, please provide examples or links to published policy or guidance, including any specific measures under your legal framework regarding identity, protection and assistance to victims of trafficking in persons, including, inter alia, making legal proceedings relating to such trafficking confidential.

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* 1. Does your country’s legal or administrative system, contain measures to provide victims of trafficking in persons, in appropriate, cases, with the following (article 6, para. 2):

1. Information on relevant court and administrative proceedings (article 6, para. 2 (a);

Yes  No

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

Yes  No

1. Please provide further details on such measures, if needed:

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* 1. 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, para. 3 of the Protocol.

1. Appropriate housing for victims of trafficking in persons? (article 6, para. 3 (a)); and/or

Yes  No

1. Counselling and information in a language that they can understand, in particular with respect to their legal rights? (article 6, para. 3 (b)); and/or

Yes  No

1. Medical, psychological and material assistance? (article 6, para. 3 (c)); and/or

Yes  No

1. Employment, educational and training opportunities? (article 6, para. 3 (d));

Yes  No

1. If the answer to any of the subsections of question 28 is “Yes”, please provide information on such measures, if needed:

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1. If the answer to any of the subsections of question 28 is “Yes”, States parties are invited, on a voluntary basis to specify and provide 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 (article 6, para. 3).

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* 1. 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 (article 6, para. 4)?

Yes  No

1. If the answer is “No”, please explain.

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1. If the answer is “Yes”, please specify.

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

Yes  No

1. If the answer is “Yes”, please specify

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

Yes  No

1. If the answer is “No”, please explain.

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1. If the answer is “Yes”, please specify.

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**Article 7 – Status of victims of trafficking in persons in receiving States**

* 1. 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 (article 7, paras. 1 and 2)?

Yes  No

1. Please elaborate.

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**Article 9 – Prevention of Trafficking in persons**

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

Yes  Yes, in part  No

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

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

Yes  Yes, in part  No

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

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* 1. 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 (article 9, para. 2)?

Yes  Yes, in part  No

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

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* 1. 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 (article 9, para. 3)?

Yes  Yes, in part  No

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

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* 1. Has your country taken or strengthened measures, including though 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 (article 9, para. 4)?

Yes  Yes, in part  No

1. If the answer is “Yes” or “Yes, in part”, please explain

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* 1. 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 (article 9, para. 5)?

Yes  Yes, in part  No

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

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

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* 1. [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] (delete, Russia) (pending final review after translation)

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* 1. [States parties are invited to explain their internal coordination mechanisms between government departments on implementation?]

1. Please explain [delete (Russia) retain (USA)] (pending final review after translation)

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* 1. ~~[States are invited to indicate if they have a national action plan or strategy to combat trafficking in persons? (remove, Russia, Israel) (retain, France)]~~

1. ~~If the answer is “Yes”, please explain.~~

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**CLUSTER II - Difficulties encountered**

* 1. Does your country encounter difficulties or challenges in implementing any provisions of the Trafficking in Persons Protocol relevant to this cluster of topics?

Yes  No

1. If the answer is “Yes”, please explain

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**Need for technical assistance**

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

Yes  No

1. “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 of the judiciary

On-site assistance by a relevant expert

Institution-building or -strengthening

Prevention or awareness-raising

Technological assistance and equipment

1. Please be specific:

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Development of data collection or database(s)

Workshops or a platform to enhance regional and international cooperation

Specialized tools such as e-learning modules, manuals, guidelines and standard operating procedures

Other (please specify)

* 1. Are you already receiving technical assistance in these areas? Please specify the area of assistance and who is providing it.

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* 1. Please provide any other information you believe is useful to understand your implementation of the 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, implementing the Protocol on Trafficking in Persons.

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

**CLUSTER 2 – Prevention, technical assistance, protection measures and other measures (articles 8, 9, 14, 15 and 16 of SOM)**

**Article 8: Measures against the smuggling of migrants by sea - Article 9: Safeguard clauses**

* 1. Has your country adopted specific legislative, administrative and other measures against smuggling of migrants at sea (article 8, in conjunction with articles 7 and 9)?

Yes  No

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

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* 1. 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 (article 8, para. 5)?

Review or amendment of legislation, strategies or national action plans to provide basic assistance to smuggled migrants.

Review or amendment of 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).

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

Yes  No

1. If the answer is “Yes”, please include relevant information.

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**Article 14 – Training and technical cooperation**

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

Yes  No

1. If the answer is “Yes”, please specify on which of the below topics the capacity-building was:

International and domestic legal framework to combat migrant smuggling.

Protecting and assisting smuggled migrants.

Assisting and rescuing smuggled migrants whose lives are in imminent danger.

Preventing migrant smuggling.

International law enforcement cooperation (e.g. joint investigation teams, information sharing).

Other topics (please specify):

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1. Please also provide details on the following types of capacity-building activities.

Improving the security and quality of travel documents (article 14, para. 2 (a)).

Recognizing and detecting travel or identity documents which have been produced fraudulently (article 14, para. 2 (b)).

Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected to be engaged in migrant smuggling, the methods used to transport smuggled migrants and the means of concealment (article 14, para. 2 (c)).

Improving procedures for detecting smuggled migrants at conventional and non-conventional points of entry and exit ((article 14, para. 2 (d)).

The humane treatment of migrants and the protection of their rights (article 14, para. 2 (e)).

1. Please provide more details on the aforementioned types of capacity-building activities provided and their frequency.

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

Yes  No

1. If the answer is “Yes”, please specify on which of the below topics the   
   capacity-building was:

International and domestic legal framework to combat migrant smuggling.

Investigation methods and techniques in migrant smuggling cases.

Prosecuting and sentencing of migrant smuggling cases.

Financial investigations and prosecutions.

Witness protection.

The humane treatment of migrants and the protection of their rights (article 14, para. 2 (e)).

Improving judicial cooperation and mutual legal assistance.

Other topics (please specify):

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

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* 1. In what areas would diplomatic and consular representative need more capacity-building?

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

Yes  No

**Article 15 – Other preventive measures**

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

Yes  No

1. If the answer is “Yes”, for which target audience was it?

Law enforcement officials, such as 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):

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* 1. Has your country taken measures to reduce the vulnerability to migrant smuggling of communities by combating the root socio-economic causes of the smuggling of migrants (article 15, para. 3)?

1. If the answer is “No”, please explain.

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1. If the answer is “Yes”, please specify.

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**Article 16 – Protection and assistance measures**

* 1. 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 (article 16, para. 1, and article 19, para. 1)?

Yes  No

1. If the answer is “No”, please explain

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1. If the answer is “Yes”, please specify.

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

Yes  No

1. If the answer is “No”, please explain

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1. If the answer is “Yes”, please specify.

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

Yes  No

1. If the answer is “No”, please explain

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1. If the answer is “Yes”, please specify.

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* 1. 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 (article 16, para. 4)?

Yes  No

1. If the answer is “Yes”, please specify the measures taken by your country to addres the special needs of women and children who have been smuggled.

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* 1. 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 (article 16, para. 5)?

Yes  No

**CLUSTER II - Difficulties encountered**

* 1. Does your country encounter difficulties or challenges in implementing any provisions of the Smuggling of Migrants Protocol relevant to this cluster of topics?

Yes  No

1. If the answer is “Yes”, please explain.

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**Need for technical assistance**

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

Yes  No

1. If the answer is “Yes”, please indicate the type of assistance required to implement the Protocol:

Assessment of criminal justice response to migrant smuggling.

Legal advice/legislative drafting support.

Model legislation/regulation(s)/agreement(s).

Development of strategies/policies, action plans.

Good practices/lessons learned.

Capacity-building through the training of criminal justice practitioners and/or the training of trainers.

Capacity-building through awareness-raising among judiciary.

On-site assistance by a relevant expert.

Institution-building/strengthening.

Prevention/awareness-raising.

Technological assistance and equipment (please be specific).

Development of data collection/database(s).

Workshops/platforms to enhance regional and international cooperation.

Specialized tools such as e-learning modules, manuals, guidelines and standard operating procedures.

Other (please specify):

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* 1. On what areas would border, immigration and law enforcement officials in your country need more capacity-building?

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* 1. On what areas would criminal justice institutions in your country need more capacity-building?

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* 1. Is your country already receiving technical assistance in these areas?

Yes  No

1. If the answer is “Yes”, please specify the area of assistance.

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**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 2 – Prevention, technical assistance, protection measures and other measures (articles 7, 9, 10, 11, 14, 15 of the Firearms Protocol)**

**Article 7 – Record keeping**

* 1. Has your country’s legal framework established measures requiring recording and maintaining 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

1. 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)

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1. If the answer to question 66 is “Yes” or “Yes, in part”, please cite the applicable law(s) and regulations and/or other measure(s) in place.

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1. 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 in your country’s legal framework.

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1. 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 (article 7, para. 1):

Less than ten years

At least ten years

Other

* + 1. Please explain, if needed.

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1. If the answer to question 66 is “Yes” or “Yes, in part”, does the recorded information allow to identify and trace firearms, and where appropriate and feasible also their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities (article 7, para. 1)?

Yes  Yes, in part  No

* + 1. Please provide details.

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1. Please specify if the required records also provide for the following information (article 7, subpara. (a) and (b), and article 15, para. 1 (c)):
   * 1. Marking of firearms as required by article 8 of the Firearms Protocol.

Yes  Yes, in part  No

* + 1. Information related to the transfer of these items, including: Issuance and expiration date of transfer licence or authorization.

Yes  Yes, in part  No

* + 1. Countries, where appropriate, involved in a transfer (export, import, transit countries).

Yes  Yes, in part  No

* + 1. Final recipient of transferred items.

Yes  Yes, in part  No

* + 1. Name and location of brokers involved in the transaction (article 15).

Yes  Yes, in part  No

* + 1. Description and quantity of transferred items.

Yes  Yes, in part  No

* + 1. Other relevant information, please specify below.

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1. If the answer to any of the questions 66 (f) (i) – (vi) is “Yes, in part” or “No”, please explain.

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

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**Article 9 – Deactivation of firearms**

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

Yes  Yes, in part  No

1. Does your country’s legal framework recognize deactivated firearms as firearms?

Yes  Yes, in part  No

1. If the answer to question 67 is “Yes”, or “Yes, in part”, please cite the applicable law(s) and regulations and/or other measure(s).

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1. If the answer to question 67 is “Yes, in part” or “No”, please explain how deactivated firearms are treated in your country’s legal framework.

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* 1. If the answer to question 67 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(article 9, subpara. (a))?

Yes  Yes, in part  No

1. If the answer is “Yes” or “Yes, in part”, please cite the applicable law(s) and regulations and/or other measure(s), and describe the specific criteria adopted by your country to regulate the deactivation of firearms and to prevent their illicit reactivation.

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

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* 1. If the answer to question 67 is “Yes” or “Yes, in part”, does your country’s legal framework require a verification of the deactivation process by a competent authority (article 9, subpara. (b))?

Yes  Yes, in part  No

1. If the answer is “Yes” or “Yes, in part”, please cite the applicable law(s) and regulations and/or other measure(s).

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1. Please describe the specific criteria adopted by 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 the certificate or record issued by the competent authority upon successful verification of the deactivation (article 9, subpara. (c)).

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1. If the answer to question 69 is “Yes, in part” or “No”, please explain how non-compliance with the deactivation requirements and illicit reactivation of deactivated firearms are treated in your country's legal framework.

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

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

Yes  Yes, in part  No

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

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1. If the answer is “Yes” or “Yes, in part”, do these licence or authorization requirements apply to:

Firearms

Parts and components

Ammunition

* + 1. Please explain if needed.

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1. If the answer is “Yes, in part” or “No”, please explain how the above-mentioned conducts are regulated in your country’s legal framework.

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1. 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.

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* 1. If the answer to question 70 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:
* the importing State has issued an import licence or authorization (article 10, para. 2 (a)).

Yes  No

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

Yes  No

1. States parties are invited to provide copies of their applicable law(s) and regulations and/or other measure(s) and explain, if needed.

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* 1. If the answer to question 70 is “Yes” or “Yes, in part”, does the import or export licence or authorization and accompanying documentation together, include, [at a minimum,] the following type of information (article 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 license authorization, end user certificate and marking data, [and name and location of involved brokers]), please specify:

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

Requirement to provide the information contained in the import license in advance to the transit country (article 10, para. 3);

Requirement for importing countries upon request to inform the exporting country of the receipt of the dispatched shipment (article 10, para. 4);

Use of end-use and end user certificates or other means of verification to ensure the security of transfers.

* + 1. States may also wish to inform, on a voluntary basis, about any other security measure or procedure in place.

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1. Please cite the applicable, law(s) and regulations and/or other measure(s) and provide examples of the successful implementation of such measures.

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* 1. 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 (article 10, para. 6).

Yes  Yes, in part  No

1. If the answer is “No”, please explain how temporary imports, exports and transits are treated under your country’s legal framework.

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1. If the answer is “Yes” or “Yes, in part”, which of the following are considered by your national legal framework verifiable lawful purposes?

Hunting

Sports shooting

Repairs

Evaluation

Exhibitions

Other

* + 1. Please explain, if needed.

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1. Please cite the applicable law(s) and regulations and/or other measure(s) and provide examples of the implementation of simplified procedures in your country.

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**Article 11 – Security and preventive measures**

* 1. Has your country taken measure(s) to require the security of firearms, their parts and components and ammunition in the following stages (article 11, subpara. (a))?
* At the time of manufacture.

Yes  Yes, in part  No

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

Yes  Yes, in part  No

* [At the time of storage in governmental stocks]. (delete, Canada, USA; retain original, France)

Yes  Yes, in part  No

* [At the time of storage in private stocks.] (delete, Canada, USA; retain original, France)

Yes  Yes, in part  No

1. If the answer to any of the questions above is “Yes” or “Yes, in part”, please describe the most relevant and successful measures. Please cite also the applicable policy(ies), law(s) and regulations and provide examples of its successful implementation

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1. 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

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* 1. Has your country adopted any measure(s) 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 (article 11, subpara. (b)?

Yes  Yes, in part  No

1. If the answer is “No”, please explain.

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1. 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 law(s) and regulations or policy and provide examples of their successful implementation.

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1. 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 law(s) and regulations or policy and provide examples of their successful implementation.

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**Article 14 – Training and technical assistance**

* 1. 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

1. If the answer is “Yes”, please describe briefly the type of assistance that you have provided and to whom or received from.

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**Article 15 – Brokers and brokering**

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

Yes  Yes, in part  No

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

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1. If the answer is “Yes” or “Yes, in part”, States are invited to explain if such system includes:
   * 1. The registration of brokers operating within their territory.

Yes  Yes, in part  No

* + 1. The licensing or authorization of brokering.

Yes  Yes, in part  No

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

Yes  Yes, in part  No

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

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

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1. 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 which might be consistent with the Firearms Protocol.

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

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

Yes  Yes, in part  No

1. As part of the exchange of information established under article 12 of the Firearms Protocol[[1]](#footnote-2) (article 15, para. 2)?

Yes  Yes, in part  No

* + 1. If the answer to (a) or (b) is “Yes, in part”, or “No”, please explain.

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* + 1. Please cite the applicable policy or policies, law(s) and regulations and/or other measure(s) and provide examples of the successful implementation of measures adopted, related court or other cases, including examples of investigations, prosecutions or convictions/acquittals related to the implementation of this article.

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

* 1. States are invited, on a voluntary basis, to inform if their country has implemented any other measure(s) or programme(s) 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 (article 34, para. 3 of the Organized Crime Convention).

Evaluation of national projects (article 31, para. 1 of the Organized Crime Convention).

Establishment and promotion of best practices and policies (article 31, para. 1 of the Organized Crime Convention).

Periodic evaluation of legal instruments and administrative practices, policy(ies), action plans and other measures relating to firearms control, with a view to detecting their vulnerability to misuse by organized criminal groups (article 31, para. 4 of the Organized Crime Convention).

Promotion of public awareness regarding the existence, causes and gravity of and the threat posed by illicit manufacturing of and trafficking in firearms (article 31, para. 5 of the Organized Crime Convention).

Arms collection or voluntary surrender/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 (article 28 of the Organized Crime Convention).

Other measure (please specify).

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1. If you have selected one or more of the above, please describe the concrete measure(s) taken and cite the applicable policy(ies) or law(s) and regulations, and provide examples of their successful implementation.

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**CLUSTER II - Difficulties encountered**

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

Yes  Yes, in part  No

1. If the answer is “Yes” or “Yes, in part”, please explain.

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

Yes  No

1. 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.).

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* 1. Has your country a national strategy or action plan to counter illicit manufacturing of and illicit trafficking in firearms, their parts and components and ammunition or to implement relevant regional or international instruments in this field?

Yes  No

1. If the answer is “Yes”, please cite the relevant strategy or action plan and provide a short explanation of their scope, and/or measure(s).

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

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1. Are there any difficulties with regard to the adoption of new or the implementation of national legislation?

Yes  No

* + 1. If the answer is “Yes”, does any of the below apply?

Problems with the formulation of legislation

Need for institutional reforms/establishment of new institutions

Need for further implementing legislation (laws, regulations, decrees, etc.)

Difficulties encountered by practitioners to use 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 (please specify)

Other issues (please specify)

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**CLUSTER II – Need for technical assistance**

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

Yes  No

1. If the answer is “Yes”, please explain the type of assistance required.

Assessment of criminal justice response to 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/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, including action plans

Dissemination of good practices/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 via postal services or the internet

Information exchange

Investigation & prosecution

Measures to enhance regional and international cooperation

Establishment or development of IT 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.

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1. Technological assistance and equipment:

Marking

Record-keeping systems

Identification and tracing of firearms

Transfer controls

Collection campaigns

Deactivation and destruction

Stockpile management

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1. Are you already receiving technical assistance in these areas?

Yes  No

* + 1. If the answer is “Yes”, please specify the area of assistance and who is providing it.

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1. Please describe practices in your country, that you consider to be good practices in relation to firearms control, and to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, which might be interesting to other States in their efforts to implement the Firearms Protocol.

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1. Please provide any other information you believe is important to consider regarding aspects of or difficulties in implementing the Protocol other than those mentioned above.

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1. Article 12 is reviewed under cluster IV [↑](#footnote-ref-2)