



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

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**Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: information-gathering and possible mechanisms to review implementation; expert consultation on international cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities; expert consultation on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; expert consultation on the protection of victims and witnesses; expert consultation on travel and identity documents**

## **Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle**

### **Report of the Secretariat**

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\* CTOC/COP/2008/1.



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## I. Introduction

1. By its resolution 55/25 of 15 November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime<sup>1</sup> and two supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,<sup>2</sup> and the Protocol against the Smuggling of Migrants by Land, Sea and Air.<sup>3</sup> The Trafficking in Persons Protocol entered into force on 25 December 2003. At its first session, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided that for its second session the programme of work with respect to the Trafficking in Persons Protocol would include a review of the basic adaptation of national legislation of States parties and States signatories to the Protocol (Conference decision 1/5). At its second session, the Conference decided that its programme of work under this item for the third session would include the following areas:

(a) Consideration of matters related to assistance to and protection of victims of trafficking in persons (article 6 of the Trafficking in Persons Protocol) and the status of such victims in receiving States (article 7);

(b) Consideration of matters related to repatriation of victims of trafficking in persons (article 8);

(c) Consideration of matters related to prevention of trafficking in persons (article 9) and information exchange and training (article 10).

2. The present report is an updated version of the analytical report on the implementation of the Trafficking in Persons Protocol that was submitted to the Conference at its third session. It contains consolidated information and an analysis of all the replies received from States to the relevant questionnaire and checklist<sup>4</sup> disseminated by the Secretariat. The report also highlights the progress made towards meeting the requirements set out in the Protocol and the difficulties that States sometimes face in implementing the provisions of the Protocol. A list of the States whose responses had been received by the time of drafting of the present report is included in the annex. It should be noted that in cases in which no update was received, the responses submitted previously were assumed to still be valid.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

<sup>2</sup> *Ibid.*, vol. 2237, No. 39574.

<sup>3</sup> *Ibid.*, vol. 2241, No. 39574.

<sup>4</sup> For additional information on the checklist, see CTOC/COP/2008/2.

## **II. Overview of reported national action for the implementation of the Protocol provisions under consideration**

### **A. Matters related to assistance to and protection of victims of trafficking in persons and the status of such victims in receiving States**

#### **1. Protection of the identity and/or privacy of victims**

3. Article 6 of the Protocol provides for a series of protective measures for victims of trafficking in persons. Paragraph 1, in particular, requires States parties to the Protocol to take measures to protect the privacy and identity of the victims. Almost all States responding to the questionnaire confirmed that such measures were in place in their domestic legal system, while some made reference to the general provisions of their legislation on victim protection. Ecuador, Portugal and Zimbabwe reported that procedures for amending and updating national legislation on that issue were pending.

4. Most States stated that they had provisions for protecting the identity of victims and they specified relevant measures in that regard. Almost all responding States highlighted the protection of the identity of minors and some reported extension of the protection to relatives of victims of trafficking in persons. However, it was also reported that the scope, level or degree of protection granted to victims and their relatives were subject to whether or not such persons participated in criminal proceedings related to trafficking in persons as witnesses (Bulgaria).

5. As far as the right to privacy is concerned, almost half of the responding States reported the existence of measures aimed at ensuring that proceedings related to trafficking in persons were kept confidential (closed hearings, testimony by videolink and judicial discretion to withhold information from the media or exclude members of the public or representatives of the media from the proceedings).

6. The majority of the States that provided responses to the questionnaire also indicated that constitutional or other basic legal requirements existed in their legal system to ensure the protection of the basic rights of the offender. In that context, a number of States referred to their constitutional framework or other domestic legislation or even guidelines and practices for Government agencies to safeguard and balance the rights of the accused with the rights of the media to free expression and the rights of the victim (Canada and New Zealand) and in particular to ensure the right to disclose any information that might be exculpatory or assist the defence (Italy) or the right of adequate legal representation (Russian Federation and Slovakia). Bulgaria reported that a bureau for the protection of threatened persons had been set up as a specialized structure within the Ministry of Justice and had been tasked with implementing the decisions of the Council for the Protection of Threatened Persons.

7. The Conference may wish to review the implementation of article 6, paragraph 1, of the Protocol (and the related para. 5; see further discussion below) at the national level bearing in mind the corresponding responses to the Organized Crime Convention questionnaire, in particular the part on witness protection. That

part of the Convention questionnaire focused on obtaining information on pertinent measures that allowed, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of witnesses, their relatives and other persons close to them. The questionnaire also elicited information on evidentiary rules that permitted the testimony of such persons to be given in a manner that ensured their safety (see art. 24, para. 2, of the Convention, as well as the related information contained in CTOC/COP/2006/2/Rev.1, paras. 61 and 62).

## **2. Access to information and participation of victims in proceedings**

8. States were further asked to report on national measures to implement the mandatory requirement of providing information on relevant court and administrative proceedings to victims of trafficking in persons (art. 6, para. 2 (a), of the Protocol), as well as an opportunity to present their views and concerns in such proceedings (art. 6, para. 2 (b), of the Protocol). The vast majority of responding States indicated that such information was provided to victims; only a few negative responses were provided (Ecuador, Guinea, Madagascar, Morocco, Portugal and Zimbabwe). Portugal explained that according to its Code of Criminal Procedure victims were allowed to participate in the criminal proceedings as “assistants” to the public prosecutor. Guinea indicated that a legal measure on the protection of the private life and identity of victims was about to be adopted. Burkina Faso, Cameroon and Turkmenistan did not provide a response on the matter. Most States reported that mechanisms were in place to inform victims who were witnesses of their rights and to keep them informed of the status of proceedings. Translation services were also reported, coupled with the provision of information to victims of trafficking in persons about anti-trafficking programmes, including information regarding legal services for victims of severe forms of trafficking (United States of America). However, in general terms, no information was made available on whether that was also the case when victims were not witnesses in the criminal proceedings related to trafficking in persons. A few States (Bulgaria, Italy and Philippines) submitted details about specific organizations and centres providing information assistance to victims (both Government agencies and non-governmental organizations). Belarus reported having set up rehabilitation centres, with support from international and civil society organizations, to provide easy access to information for victims of human trafficking; a telephone-based service available free of charge to all victims of human trafficking had also been established. The Philippines reported that it had created the Inter-Agency Council Against Trafficking to prevent and suppress trafficking and address the needs of victims of trafficking. The Russian Federation reported having adopted a federal law on State protection of victims, witnesses and other participants in criminal proceedings. In addition, a number of States reported that they enabled victims to participate as parties in the proceedings and present their views (Austria, Bulgaria, Canada, Czech Republic, Germany, Latvia, Sweden and Tunisia). Madagascar reported that victims had the right to ask for legal counsel during proceedings.

9. Bearing in mind that article 25, paragraph 3, of the Convention also requires that victims should be given an opportunity to express views and concerns during relevant criminal proceedings, the national replies received on this particular victims’ right could be combined with the corresponding responses on the

Convention provision, as reflected in the report on the implementation of the Convention (see CTOC/COP/2006/2/Rev.1, para. 65).

10. The Conference may wish to consider this information as a starting point for further discussion on the need and the means to promote empowerment measures that would enable victims of trafficking in persons to participate actively in the related proceedings against offenders and enforce their rights. Such empowerment measures should be non-discriminatory and should include and start from the provision of assistance to victims, irrespective of their willingness to participate in criminal proceedings against offenders. In this connection, consideration may also be given to the obstacles that many victims encounter in seeking access to information and taking part in such proceedings, owing to factors such as legal status, culture, race, language, resources, education, age or citizenship. In addition, emphasis may also be given to the importance of providing free translation and free legal assistance and representation to victims of trafficking, including through enhancing the effectiveness of legal aid mechanisms for them.

### **3. Recovery measures**

11. In the light of article 6, paragraph 3, of the Protocol, which contains a list of support measures intended to reduce the suffering and harm caused to victims of trafficking in persons and to assist them in their recovery and rehabilitation, most of the States reported measures to enable recovery of victims of criminal offences generally. Ecuador and Morocco reported not having any such measures. Four States did not provide any information at all (Benin, Peru, Republic of Korea and Turkmenistan). Madagascar indicated that, although it complied with this article only partially, provisions regarding measures to assist victims of torture could be applied in cases of trafficking. A number of States (Australia, Austria, Belarus, Bulgaria, Chile, Colombia, Croatia, Czech Republic, Finland, Indonesia, Italy, Lebanon, Malaysia, Myanmar, Philippines, Slovenia, Spain and Thailand) reported having in place recovery measures for victims of trafficking in particular, usually through national action plans or legislation and implementing decrees. One State (United States) pointed out that a victim of a severe form of trafficking in persons was eligible for benefits and services under any federal or state programme to the same extent as an alien who was admitted as a refugee. In most cases, the competent Government authorities involved in the execution of the relevant parts of action plans were specified and mainly included the ministries of health, education or social services. Burkina Faso referred to cooperation among several ministries and non-governmental organizations. Some responding States reported that they were in the process of developing action plans (New Zealand and Thailand) or had already implemented comprehensive programmes, such as the Support for Victims of People Trafficking Program (Australia). Poland elaborated on models of support and protection as well as reintegration of victims of trafficking.

12. With regard to specific measures to enable recovery, a number of States reported provision of temporary shelters, reception centres or other appropriate housing (Algeria, Australia, Belarus, Belgium, Bulgaria, Burkina Faso, Chad, Chile, Colombia, Croatia, Czech Republic, El Salvador, Estonia, Guatemala, Indonesia, Latvia, Malaysia, Mauritius, Mexico, Netherlands, Nigeria, Peru, Philippines,

Romania, Russian Federation, Serbia,<sup>5</sup> Slovenia, South Africa, Spain, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States and Zimbabwe). Other States referred to counselling and information assistance to victims, including specific assistance hotlines with telephone interpretation service (Australia, Austria, Bulgaria, Burkina Faso, Central African Republic, Czech Republic, Finland, Guatemala, Malta, Niger, Philippines, Serbia, Slovakia, South Africa, Spain, Togo, Tunisia and United States) and State legal aid (Estonia and Finland). In addition, those States which provided medical and psychological assistance (Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Niger and Togo) usually did so within the ambit of the general health-care services. Most States further underscored that they offered employment, educational and training opportunities to victims without, however, providing further detail. One State (South Africa) noted that no resources were available for employment or training. Finally, the majority of the responding States confirmed the cooperation of the competent national authorities with non-governmental organizations and other elements of civil society to support mechanisms for the recovery of victims of trafficking in persons. A number of them provided specific examples in this regard (Bosnia and Herzegovina, Bulgaria, Chile, El Salvador, Indonesia, Latvia, Myanmar, Netherlands, Norway, Philippines, Poland, Slovenia, South Africa and Turkey). In one case (Slovenia), a non-governmental organization was tasked with implementing an inter-ministerial action plan on trafficking financed by the Government. Lebanon and the Philippines used a similar strategy by pooling the work of governmental agencies with that of non-governmental organizations. Another State (United States) noted that many of the services offered to victims were rendered through grants from the Government to non-governmental organizations.

13. The Conference could provide at its fourth session a platform for discussion for a substantive and constructive exchange of views and national experience on recovery measures for victims of trafficking in persons. It should be emphasized, in this connection, that the most critical factor in assistance, support and recovery programmes for victims is that they should be, first of all, readily available and also comprehensive and integrated. Medical, psychological and legal services, as well as the provision of accommodation, education and training, will not produce the desired results if they operate in isolation. It would certainly be in the best interests of victims to plan and provide services in a coordinated and collaborative manner. Regarding the availability of recovery measures, it should be underlined that the provision of assistance should not be dependent upon the victim testifying in criminal proceedings and that criteria for entry to assistance services should not create an artificial class of officially recognized victims.

14. It is, of course, true that the adoption of recovery measures is not mandatory for States parties to the Protocol because of the cost it entails and the fact that it refers to all States in which victims are found, regardless of the level of socio-economic development or availability of resources. However, States should also be aware of the direct benefits that such recovery measures can provide through enhancing the willingness of victims to testify and, thereby, enabling the prosecution of traffickers. Positive outcomes, which would otherwise be unlikely,

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<sup>5</sup> From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia.

include the prosecution of traffickers for other forms of organized crime and the seizure of financial assets.

#### **4. Special needs of victims, in particular those of children**

15. The vast majority of responding States reported that the age, gender and special needs of victims of trafficking in persons were taken into account in implementing protective measures for such victims (see art. 6, para. 4, of the Protocol). Negative responses were received from Portugal (pending revision of existing legislation), Morocco (no explanation provided), Ecuador (insufficiency of financial resources) and South Africa (absence of a provision that criminalizes trafficking in persons specifically). Austria, Benin, Cameroon, Guinea and the Republic of Korea did not provide responses to the question.

16. Almost all States provided detailed information on the issue, especially regarding the special needs of trafficked children. Three States (Indonesia, Lebanon and Thailand) made reference to both women and children as being considered vulnerable groups of victims requiring special treatment. In conformity with what had been reported in the first reporting cycle of the Conference in relation to article 3 of the Protocol, many States underlined the existence of legislative provisions on the protection of trafficked minors. Furthermore, a series of specific measures to protect trafficked minors were reported, including, for example, a national plan for the suppression of trafficking in children (Croatia, Finland, Guatemala, Russian Federation and Sweden) or a plan to avoid revictimization of minors (El Salvador); establishment of a specific crisis centre (providing accommodation, round-the-clock care, food etc.) for children (Bulgaria and Malaysia); judicial orders to allow minors to give testimony by videoconference (Estonia and South Africa); video recording and closed hearings for the protection of minors (Sweden); and availability of a representative in charge of protecting the human rights of minors during questioning before the courts and filing relevant financial claims (Slovenia). Measures for the protection of the privacy and identity of minors were also mentioned (Chile, Costa Rica, Croatia, El Salvador, Italy and Mexico). Some States referred to the importance of schooling and apprenticeships (Burkina Faso and Togo), psychological and health care (Burkina Faso) and the establishment of centres to reintegrate victims into society (Burkina Faso). Egypt reported having established a specialized agency for juvenile welfare. Malta stated that its authorities, in cooperation with a non-governmental organization, provided special treatment for minors. The Niger reported that support, especially from non-governmental organizations, is given to children who have dropped out of school. Two States (Myanmar and Spain) pointed out that minors were kept temporarily in youth training schools before their families were traced and the minors were reunited with them, while education and vocational training, as well as physical, mental and moral training, were also available. Slovakia reported having a protection programme for children whose health had been affected by unsatisfactory social conditions. Romania reported the existence of housing centres for minors under the supervision of local authorities and a special reception and accommodation centre for vulnerable categories of asylum-seekers (trafficked women and unaccompanied minors). In the Philippines, children were protected by means of community-based services responding to the specific needs and problems of the victims. Tunisia reported the existence of measures for the protection of children and their physical and moral integrity, such as medical and psychological

examinations or placement in host families or social institutions. The United States indicated the provision of housing consistent with cultural, linguistic and religious backgrounds and referred to a broader range of protective measures, including medical and mental health services, education, independent living and job skills training, career and college counselling and legal assistance. Moreover, the United States underlined that there was no need for a victim of trafficking below 18 years of age to cooperate with the investigation and prosecution authorities in order to receive benefits.

17. In discussing national action and practices geared towards serving the best interests of trafficked children, the Conference may wish to take into account guideline 8 (Special measures for the protection and support of child victims of trafficking) of the Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in the report of the United Nations High Commissioner for Human Rights of 20 May 2002 (see E/2002/68/Add.1).

## **5. Physical safety of victims**

18. Most States referred to measures aiming at securing the physical safety of victims of trafficking in persons (see art. 6, para. 5, of the Protocol). In that context, reference was made to general witness protection provisions and programmes, including police protection, safe-housing and even new identities (Belgium and Russian Federation). Reference was also made to agreements at the subregional level for the relocation of victims of trafficking in persons (Estonia). Bulgaria further stated that in the context of pretrial proceedings, information was provided promptly to victims in relation to measures for their special protection. The provision of such information was subject to the consent of the victims to collaborate in the investigation. Chile also indicated relocation of victims but did not specify whether any subregional agreements existed. Burkina Faso, Guatemala, Malaysia, Mauritius and Nigeria referred to the availability of special drop-in centres for victims of trafficking in persons. Colombia, Croatia and Spain highlighted their legislation on witness protection. Slovenia indicated that the non-governmental organization responsible for implementing the project on care for victims of trafficking took protective measures in cooperation with the police. Togo reported that the Ministry of Social Affairs was in charge of victim-related matters. Negative responses on the issue were received from several States (Algeria, Ecuador, Morocco, Slovakia and Zimbabwe) without further explanation; Austria, Guinea and the Republic of Korea were the only States that did not provide a response.

19. Again, the information received from responding States on the issue of the physical safety of victims of trafficking in persons could further be seen in the light of and in conjunction with the corresponding replies of Member States regarding the implementation of article 25, paragraph 1, of the Convention (concerning protection of victims from threat of retaliation or intimidation), which are reflected in the report on the implementation of the Convention (see CTOC/COP/2006/2, para. 70).

20. Although the obligation for States parties to the Protocol is only to “endeavour to provide” for the physical safety of victims of trafficking in persons, the Conference may wish to focus its attention on the interrelationship between the two pertinent provisions of the Convention and the Protocol in the light of the *mutatis mutandis* application of the Convention requirements to the latter. In that respect,

the relevant discussions could accord priority to ways and means of strengthening and streamlining measures for the physical safety not only of victims of trafficking in persons but also of their families and persons close to them who may also face threats to their security. It should be noted, in this regard, that the ongoing physical safety of the victim, that is, beyond the duration of criminal proceedings, is critical to securing his or her cooperation in such proceedings.

#### **6. Possibility of obtaining compensation**

21. In relation to the implementation of article 6, paragraph 6, of the Protocol, which requires States parties to take measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered as a result of trafficking, the vast majority of the national responses reflected a common approach in terms of establishing the right to seek compensation through civil proceedings. Only a few States reported otherwise: Portugal and Indonesia highlighted the fact that legislation on the issue was pending, whereas Zimbabwe provided no further explanation. Australia indicated that the offender could be ordered to make reparation. Ecuador stressed the lack of relevant mechanisms enabling compensation claims because domestic legislative action against trafficking in persons was too recent and therefore not yet implemented in its entirety. Malta clarified that, under its Criminal Code, no compensation was provided to victims of trafficking in humans but that remedy could be sought before the Civil Court. The Niger indicated that the corresponding law had not yet been adopted. Thailand explained that compensation had to be sought through civil action against the traffickers, but travel expenses or physical and psychological recovery support would be given to victims directly. Burkina Faso and Guinea did not respond.

22. Most States confirmed that their legal system provided for access to compensation usually through civil action after the completion of criminal proceedings. Whereas most of the responding States referred to the right of compensation for physical, mental and moral suffering, a distinction was in some cases reported as to the damages suffered. For example, in South Africa victims of trafficking in persons may apply to the court for compensation in case of damage to or loss of property and cannot claim damages for any physical or psychological harm suffered. However, South Africa noted that a sentencing legislative framework was under consideration, which provided that reparation may be imposed for any offence and must be considered in every case, while the damage suffered could be physical, psychological or other.

23. One State (United States) highlighted that its domestic legislation provided for mandatory restitution for victims of trafficking in persons, who may alternatively be eligible for compensation from State crime victim compensation funds. A few other States confirmed the possibility for compensation from State funds. Of those States, Belgium indicated that compensation from the State was subsidiary, therefore the victim was required to have first sought compensation from the author of the crime. Bulgaria reported that financial compensation by the State could be provided under the provisions of the Support and Financial Compensation for Victims of Crimes Act. Finland indicated that victims could receive compensation from the State in case of certain kinds of harm arising from crime. Germany highlighted that the benefits varied depending on the nationality of the victim and the length of stay in the national territory. Latvia indicated that rehabilitation services were provided.

Romania clarified that State financial compensation was awarded to victims if the offence had been committed in the national territory or committed in a foreign territory and the victim was a Romanian national or legal resident. The Republic of Korea reported that the State provided a certain amount of monetary relief aid to the family of persons who had died or had received serious injuries. El Salvador reported on the preparation of legislation for the establishment of a special victims fund. In Nigeria, the Anti-Trafficking in Persons Law envisaged compensation for victims. Slovakia reported having adopted legislation on repatriation for victims of violent crime, while in the Philippines legal services were made available free of charge. Finally, Sweden stated that compensation from State funds was possible if the crime was committed within the country or the victim was a national of or resident in the country.

24. In view of the fact that article 6, paragraph 6, of the Protocol is to be interpreted together with the corresponding provision of article 25, paragraph 2, of the Convention, which also provides for the availability of appropriate procedures or mechanisms whereby compensation or restitution for victims can be sought or claimed by them, the national responses received could further be considered in conjunction with the corresponding replies of Member States regarding the implementation of the Convention provision, which are reflected in the report on the implementation of the Convention (see CTOC/COP/2006/2, para. 71).

25. The Conference could provide a forum for an exchange of views on ways to support mechanisms available to victims at the national level for pursuing compensation claims. The legislative framework establishing such mechanisms needs to be comprehensive enough to ensure full enforcement of the right of victims of trafficking in persons to seek, regardless of citizenship, adequate and appropriate remedies, including compensation, through, for example, enabling access to reliable information on processes that have to be followed to that effect.

## **7. Status of victims in receiving States**

26. With regard to the status of victims of trafficking in persons in receiving States (art. 7 of the Protocol), the majority of the national responses indicated that temporary residence permits were granted for such victims with a view to enabling their participation in the related proceedings. Eleven States provided negative responses (Algeria, Cameroon, Chad, El Salvador, Estonia, Guatemala, Honduras, Morocco, Peru, Portugal and Russian Federation). Benin, Burkina Faso, Guinea and Kuwait did not provide responses. Some of the States that confirmed the granting of temporary residence permits referred to a specific reflection period in which appropriate assistance was provided to victims to help them regain control over their lives and consider their options, including taking an informed decision on whether to assist in criminal proceedings (Belarus, Bulgaria, Czech Republic, Latvia, Lebanon, Malta, Mauritius, Mexico, Norway, Philippines, Poland, Republic of Korea, Romania, Serbia, Slovakia, Sweden, Turkey and United Kingdom). Australia had developed a visa system for witnesses. One State specifically reported that the granting of the temporary residence permit was not conditional on cooperation with law enforcement authorities (Croatia). Most States made reference to the possibility for extension of the residence permit for the purposes of ongoing criminal proceedings, while one State confirmed such a possibility in case of humanitarian and compassionate factors that needed to be taken into account (Egypt). Tunisia

explained that a visa for temporary residence could be issued, but only in exceptional cases. The United States referred to visa arrangements for victims who had suffered substantial physical or mental abuse, as well as their families, allowing them to live and work legally in the country for a period of four years.

27. The granting of permanent residence permits was reported to be linked either to asylum cases, applications for granting a refugee status and generally humanitarian and compassionate factors (Bosnia and Herzegovina, Canada, El Salvador, Estonia and Finland), or to be applicable to special or exceptional cases (Czech Republic and South Africa). Cooperation of the victim with law enforcement authorities was also reported as a condition for permanent residence (Germany and Slovakia). Slovenia stated that after the completion of the proceedings for which temporary residence was allowed, the victim could apply for permanent residence for other reasons (work, studies or marriage to a national).

28. Building upon the national action reported by the responding States, the Conference may wish to devote attention to further discussing the complementarity between articles 6 and 7 of the Protocol and the need recognized in the latter provision to establish a legal status for victims of trafficking in persons, who often find themselves in destination or transit States without proper identification or travel documents or the underlying legal right to be in that territory. Although there is no obligation on the part of States parties to the Protocol to adopt measures relating to the status of victims, it is encouraging that, at least according to the available information, relevant measures have been taken to that effect which have a positive effect on victims coming forward to testify against traffickers, as well as on non-governmental organizations encouraging such victims to whom they provide services to report incidents to the Government.

29. The Conference may also wish to consider issues related to the factors that may be considered as pertinent in deciding whether to grant a permanent residence permit to victims of trafficking in persons on humanitarian grounds, taking into account the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1). Such factors could include the following: the risk of retaliation against the victim and his or her family and the capacity and willingness of the authorities in the home State to provide protection against such reprisals; the risk of criminal or administrative prosecution by the authorities of the home State for status-related offences; the lack of prospects for social inclusion in the State of origin; the lack of adequate, confidential and non-stigmatizing support services; and the presence of children. In that connection, it should be recalled that the Protocol affects neither the rights, obligations and responsibilities of States and individuals under international human rights law nor the principle of non-refoulement contained in the 1951 Convention relating to the Status of Refugees<sup>6</sup> and the 1967 Protocol relating to the Status of Refugees,<sup>7</sup> the latter two instruments being applicable for victims of trafficking in persons that fall within their scope and protective ambit. Furthermore, the measures set forth in the Trafficking in Persons Protocol are not to be interpreted and applied in a way that is discriminatory to persons on the ground that they are victims of trafficking in persons (see art. 14 of the Protocol).

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<sup>6</sup> United Nations, *Treaty Series*, vol. 189, No. 2545.

<sup>7</sup> *Ibid.*, vol. 606, No. 8791.

## **B. Matters related to repatriation of victims of trafficking in persons**

30. Member States were asked to provide information on the measures taken at the domestic level to enable the return of victims of trafficking in persons to their States of nationality or permanent residence without undue or unreasonable delay (art. 8 of the Protocol). A number of States did not provide such information (Azerbaijan, Benin, Burkina Faso, Central African Republic, Ecuador, Guinea, Kuwait, Morocco, Peru, Poland and Portugal). Estonia noted that the preparation of relevant legislation and the development of an action plan were ongoing. Other States reported that in enabling the return of victims of trafficking in persons, they undertook a risk and security assessment and checked in advance the situation in the State of origin in terms of safety and potential reintegration of such victims (Chile, Croatia, Malaysia, Myanmar, New Zealand, Norway, Russian Federation, Slovenia and Spain) or in terms of the mental and physical condition of the victim (El Salvador). Furthermore, many States highlighted the existence of cooperation mechanisms for the establishment of repatriation programmes with the United Nations Children's Fund (El Salvador), the International Criminal Police Organization (INTERPOL) (Guatemala) and the International Organization for Migration (Bosnia and Herzegovina, Colombia, Costa Rica, Czech Republic, El Salvador, Germany, Myanmar, Netherlands, Serbia, Slovakia, Switzerland and United States). Cameroon referred to administrative support through collaboration with international organizations. Mauritius referred to governmental assistance concerning repatriation. Sweden highlighted regional collaboration with the Baltic Sea States, while Thailand had opted for a domestic, governmental strategy concerning the main programmes to protect, help and facilitate the safe return of victims of trafficking. Togo referred to diplomatic missions. Tunisia reported that, in the absence of diplomatic representation a *laissez-passer* (type B) would be delivered to victims in order to enable them to leave the country. No specific information was provided by the responding Member States on the time frame of the repatriation process and in particular on whether the return of the victims of trafficking in persons to the State of origin takes place without undue or unreasonable delay.

31. With the exception of a number of responding States (Algeria, Germany, Italy, Malta, Mauritius, South Africa, Thailand, Togo and United Kingdom), most of the responding States confirmed that the consent of the victim was taken into account in the context of the repatriation process. Guinea and Peru did not provide a response on the matter. However, some States noted that that practice did not necessarily mean that consent was viewed as a *sine qua non* for the return of the victim. Other States (Belarus, Croatia and Sweden) highlighted the possibility of granting residence or asylum status in case of absence of the victim's consent to repatriation. Canada reported on the national practice of ordering victims of trafficking in persons to be removed regardless of their consent if they did not meet the criteria for a temporary residence permit or refugee status or in case of lack of humanitarian grounds.

32. With regard to the verification of the nationality or right of permanent residence of victims upon request of the receiving State (see art. 8, para. 3, of the Protocol), almost all of the responding States referred to a general obligation to that effect. One State (Turkey) made reference to national enabling practices even if no specific obligation existed. Lebanon, Mauritius and Mexico indicated that such a

request should be made through diplomatic channels. The only States that reported otherwise were Chad, Morocco (no further explanation) and Portugal (pending revision of its existing legal framework). Furthermore, the diplomatic consulate authorities and the immigration authorities were reported to have competence for such verification. Other alternatives mentioned included verification through INTERPOL (Czech Republic, Ecuador and Slovenia) or in the context of bilateral agreements or arrangements and mutual legal assistance mechanisms (Italy). Burkina Faso reported that the process of verification included information on criminal records in addition to information on nationality. The former Yugoslav Republic of Macedonia referred to the obligation derived from bilateral agreements for readmission. Benin, Guinea and Peru did not respond on the issue.

33. With regard to the obligation of States parties to the Protocol to facilitate and accept the return of victims who are their nationals or residents (art. 8, para. 4, of the Protocol), most of the States (with the exception of Algeria, Malaysia, Portugal and Togo) confirmed in their replies that they did so and further reported on the issuance of the necessary documents or other authorization for victims who were their nationals, while some States indicated that they may issue temporary travel documents for non-nationals (Bulgaria, Indonesia, Mexico, Netherlands, Philippines, Russian Federation, Slovakia, Slovenia, Spain, Switzerland and the former Yugoslav Republic of Macedonia). The United States indicated that it was able to issue travel documents at the request of its nationals or legal permanent residents. Reference was also made to proper safety measures for the victims during the repatriation process (Canada). A number of responding States did not provide information on this matter at all (Benin, Finland, Guatemala, Guinea, Morocco, Peru, Poland and Turkmenistan). Malta noted that authorization to re-enter its territory was given after all checks had been carried out. Togo considered it sufficient if the victim declared him or herself to be a national.

34. Half of the responding States reported the existence of bilateral or multilateral agreements, arrangements or memorandums of understanding for the return and readmission of victims, while Colombia, Ecuador, Germany, Honduras, Malaysia, Malta, the Niger, the Philippines, Poland, the Russian Federation, Spain, Switzerland, the former Yugoslav Republic of Macedonia and Tunisia responded that no bilateral or multilateral agreements had been signed. Australia reported that no formal bilateral agreements had been signed but a working agreement existed with the Royal Thai Police. Romania highlighted that, so far, the national authorities had addressed repatriation issues on a case-by-case basis with the support of the embassies of the States concerned or the Southeast European Cooperative Initiative Regional Centre for Combating Transborder Crime. However, Romania also reported that bilateral agreements had been signed with other European States regarding the readmission of nationals or individuals without citizenship. In that connection, regional schemes of cooperation, such as those among the Baltic States or in the Mekong subregion, were mentioned. The Central African Republic and Togo also mentioned regional and subregional agreements. The Czech Republic clarified that it was not bound by any agreements regulating the repatriation of victims of trafficking in persons exclusively, but also confirmed the cooperation between its Ministry of the Interior and the International Organization for Migration on the application to such victims of an assistance programme for the voluntary repatriation of unsuccessful asylum applicants.

35. The Conference may wish to take stock of the information provided above and explore ways and means to promote cooperative bilateral, regional and interregional efforts between destination and origin States for the safe repatriation of trafficked victims. Such efforts could focus on the development of standardized processes to ensure repatriation with full respect of the human rights of the victims and might be developed through, for example, the framework of intraregional and interregional plans of action. A critical issue, however, is to complement the safe return of victims with appropriate rehabilitation measures in the State of origin by promoting effective support programmes to that effect. Such programmes should be based on the conclusions of a risk assessment carried out before repatriation. Wherever possible, communication channels and agreements should be developed between destination and origin States, with monitoring, case management and feedback built in, for example through referral mechanisms. Moreover, cooperation with non-governmental organizations assisting the victims in the receiving State and continuing to do so in the State of origin could also be conducive to assisting victims' reintegration after the completion of the repatriation process. Such cooperation should be fostered by the establishment of networks between non-governmental organizations, local authorities and Member States.

## **C. Matters related to border measures**

### **1. Liability of commercial carriers**

36. Member States were asked to provide information on legislative or other measures to prevent, to the extent possible, commercial carriers from being used for the purposes of trafficking in persons (see art. 11, para. 2, of the Protocol). In response, many States reported legislative measures and administrative practices falling generally within the ambit of their immigration legislation. Benin, Burkina Faso and Guatemala did not provide responses on the issue, while the Central African Republic, Chad, the Niger and the Philippines provided a negative response. The Niger reported, however, that corresponding legislation was in the process of adoption. The Russian Federation also responded in the negative, clarifying that its legislation did not specify such an offence. Most States cited specific requirements for such carriers to verify the identity of the passengers and/or supply lists of the passengers to the relevant authorities. For example, Bulgaria reported that, in addition to having the obligation to check the travel documents and visas of their passengers, commercial carriers had to possess a licence to engage in international transport of passengers and a document specifying the number of the means of transport by which such transport is effected. Egypt indicated that its domestic legislation required captains of ships and aircraft to submit on arrival a list of names of crew and passengers and of those not carrying valid or current passports. New Zealand reported that its immigration law required commercial craft to obtain identity documentation and data, including status as a traveller, from persons intending to travel to the country, under penalty of fine or imprisonment. Slovenia specified responsibilities and sanctions for commercial carriers, who were obliged to provide transport only in cases where the passenger possessed a valid travel document and valid visa or residence permit. The United States referred to the implementation of document pre-inspection programmes at specified ports of entry.

37. Penalties for violation of relevant criminal or administrative provisions in this area (see art. 11, para. 4, of the Protocol) were also mentioned and included imprisonment or other criminal sanctions (Canada, Estonia, Kuwait, New Zealand and Tunisia), fines (Australia, Colombia, Czech Republic, Italy, Kuwait, Lebanon, Mexico, Netherlands, Slovakia, South Africa, Spain and Tunisia), the obligation to return the person to the port of embarkation at the carrier's cost (Bulgaria, Estonia, Germany, Italy, Latvia, Mexico, Netherlands, New Zealand, Norway, Spain and the former Yugoslav Republic of Macedonia), loss of licence (Italy) and seizure of vessels, vehicles or aircraft (Malaysia). Preventive measures in the form of information campaigns for carriers were reported by El Salvador.

38. Azerbaijan, Benin, Guatemala and Peru did not reply to this question at all. Belarus was the only State that provided a negative response without further explanation. Ecuador confirmed national efforts to adopt the relevant measures, but also underlined that difficulties had been encountered in controlling the misuse of commercial carriers for the commission of a broad range of offences. Myanmar highlighted the lack of specific legislation in this field, but further referred to national administrative practices whereby immigration authorities controlled carriers to prevent them from being used for purposes of trafficking in persons. Finland stated that no specific carrier liability existed in trafficking in persons cases, but the general carrier liability could be extended to cover such cases as well. Finally, Portugal referred to preventive measures that were foreseen generally for people operating illegal means of transport and could also be used in trafficking cases.

## **2. Border control measures**

39. The vast majority of national replies reported on measures for strengthening border controls to prevent and detect trafficking in persons (see art. 11, para. 1, of the Protocol). Such measures included, for example, the establishment of joint commissions on border cooperation with neighbouring States (Indonesia, Nigeria and Spain); surveillance committees (Burkina Faso); the increase in naval patrols, the control of territorial waters and the search of ships (Kuwait); stricter controls along coasts (Madagascar); public information campaigns in airports (Costa Rica); training of immigration officers (Finland, Myanmar and Nigeria) and security officers (Burkina Faso); stricter inspection of entries and exits at border checkpoints and/or strengthening of the anti-trafficking unit of the national police force (Cameroon, Malaysia and Myanmar); strengthening of human resources and technical equipment for border controls (Malta, Philippines and Slovakia); training courses for investigative and law enforcement authorities, focusing on the identification of victims (Slovenia and United States), supplemented by a Web-based training module including guidelines for criminal investigators, detention, removal and asylum officers, border patrol agents and victim-witness coordinators (United States); strengthening of offshore borders through the use of airline liaison officials and an advance passenger protecting system to detect lost, stolen or invalid travel documents (New Zealand); the recent establishment of the National Immigration Branch controlling entry to and from the national territory and development of relevant pilot projects (South Africa); the establishment of a department at the border police level specialized in combating trafficking in persons and the establishment of a telephone alert system for border police (Romania); and strengthening of the Schengen visa mechanisms (Czech Republic, Germany, Italy,

Norway, Slovakia, Slovenia and Spain). Serbia highlighted its strategy for integrated border management. Only Benin, Guatemala, Guinea and Tunisia did not provide a response. The United States reported the establishment of the Human Smuggling and Trafficking Centre, which operated as an information fusion centre and clearinghouse to enable the dissemination of information related to trafficking perpetrators and organizations and further brought together representatives from the prosecutorial, law enforcement, intelligence, policy, diplomatic and consular fields.

40. Most of the responding States confirmed that measures were in place under their immigration laws enabling the denial of entry into the national territory or the revocation of visas of persons involved generally in the commission of criminal offences and not necessarily only in the offence of trafficking in persons (see art. 11, para. 5, of the Protocol), while Benin, Burkina Faso, Guatemala, Guinea, the Niger, the Russian Federation and Tunisia were the only States that did not respond. The Central African Republic, Nigeria and Togo provided a negative response. One State (United States) reported application of such measures not only to traffickers, but also to their family members who knowingly gained benefits from their illegal activities. Some States referred to the evaluating factors and criteria used when taking such measures, which included the danger and likelihood to commit the offence again (Slovenia), as well as endangering public peace and safety or constituting a threat to the public interest either generally (Bulgaria, El Salvador, Mexico, Poland, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia) or in the context of trafficking in persons or organized crime (Bulgaria, Canada, Honduras, Lebanon, Malta, Mexico, Peru, Philippines and Slovenia). It was further reported that such measures were taken either on the ground of reasonable suspicion (Bulgaria, Croatia, Estonia, Finland and Sweden) or upon conviction (Belarus, Canada, Croatia, Czech Republic, Germany, Italy, Myanmar, New Zealand and Peru) or both (Russian Federation and South Africa).

### **3. Cooperation with border control authorities of other States**

41. In relation to measures aimed at strengthening cooperation with border control agencies of other States, including the establishment and maintenance of direct channels of communication (see art. 11, para. 6, of the Protocol), Burkina Faso, Chad, Colombia and Ecuador provided negative responses on the matter, while Benin, Guinea, the Niger, the Philippines, the Russian Federation, Togo and Tunisia did not provide responses on the issue. Most States provided information on existing cooperation mechanisms, including communication and information-sharing, identification of potential trafficking organizations and assistance with victim-related services, either at the bilateral (Croatia, Germany, Latvia, Myanmar, Nigeria, Romania, Slovakia and Slovenia) or regional (Central African Republic, Mauritius, New Zealand, Peru and Serbia) and subregional (Sweden) levels. Examples of such cooperation mechanisms mentioned in particular included the Baltic Sea Regional Border Control Cooperation under the Council of the Baltic Sea States (reported by Sweden) and the General Plan for Mutual Cooperation and Coordination for Regional Security in the context of the Common Market of the Southern Cone (reported by Chile). New Zealand specified that a Regional Movement Alert List mechanism with Australia and the United States was in place and enabled the exchange of information on lost and stolen passport data. Reference to the establishment of direct channels of communication between border control agencies was made by Bulgaria, Kuwait, New Zealand and Slovenia, whereas Chile

underlined its cooperation with INTERPOL in that field. Finland, Norway and the United Kingdom emphasized the close cooperation within the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) with other member States, while Lebanon indicated its close cooperation with INTERPOL on these issues. Malta highlighted its good level of collaboration with agencies of other States. Spain made reference to cooperation with INTERPOL. Mexico referred to its cooperation within the High-level Group on Border Security (GANSEF). Portugal highlighted its cooperation in the framework of the European Union and under provisions of the European Police Office (Europol). The United States referred to briefings for foreign dignitaries, as well as cooperation with foreign border control agencies, through international training missions focusing on areas such as investigation methodologies in trafficking in persons cases, trafficking in persons indicators, global networks, victim interviews and services and task force methodology. A specific programme of cooperation and collaboration with Mexico on cross-border criminal enterprises was further reported by the United States.

42. The information received from responding States on issues related to border measures could further be considered in conjunction with the national replies regarding the implementation of article 27 of the Convention on law enforcement cooperation (see CTOC/COP/2006/2/Rev.1, paras. 48-55).

#### **D. Matters related to the security and control, as well as legitimacy and validity, of documents**

##### **1. Security and control of documents**

43. Article 12 of the Protocol requires the adoption of measures to ensure the quality, integrity and security of travel or identity documents. States parties are required to take measures to make it more difficult to misuse, falsify or unlawfully alter, replicate or issue such documents, as well as measures to protect not only the use, but also the production and issuance process of such documents against corruption, theft or other means of diversion.<sup>8</sup> Most of the responding States reported the adoption of measures to that effect, including regular reviews of the production and issuance process and upgrading of technology and equipment used for ensuring the security and control of documents.

44. In that connection, reference was made to specific measures, in particular in terms of security standards adopted in this field. Thus, a number of States (Bosnia and Herzegovina, Canada, Chile, Croatia, Czech Republic, Estonia and Latvia) referred to the adoption of standards proposed by the International Civil Aviation

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<sup>8</sup> This article has to be interpreted as including not only the creation of false documents, but also the alteration of legitimate documents and the filling in of stolen blank documents. The intention was to include both documents that had been forged and genuine documents that had been validly issued but were being used by a person other than the lawful holder (see Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (United Nations publication, Sales No. E.06.V.5), p. 413).

Organization<sup>9</sup> or the European Union standards enshrined in Council of the European Union Regulation 2252/2004 on standards for security features and biometrics in passports and travel documents issued by member States (Czech Republic, Estonia, Germany, Italy, Latvia, Malta, Russian Federation, Slovakia, Slovenia, Spain, Sweden and the former Yugoslav Republic of Macedonia). The incorporation of multiple security features into travel documents (Burkina Faso, Philippines and United States) and the adoption of biometric standards (Cameroon, Indonesia, Madagascar and New Zealand) or preparations for such adoption (Romania) were also reported. Switzerland indicated that a pilot project was under way to examine the feasibility of an electronic identity document or passport. Only Colombia and Guatemala provided negative responses.

45. The information received by Member States on these matters could provide the opportunity for further discussion on potential financial and technical problems likely to be encountered, in particular by developing countries seeking to implement measures ensuring the security and control of documents. It would therefore be useful for the Conference to take into account the relevant needs for technical assistance, providing guidance on relevant priorities and facilitating mobilization of potential resources.

## **2. Legitimacy and validity of documents**

46. Article 13 of the Protocol establishes an obligation to verify, upon the request of another State and within a reasonable time, the legitimacy and validity of travel or identity documents suspected of being used for the purposes of trafficking in persons. The majority of the responding States reported that they carried out such verification within the framework of cooperation agreements with other States and some of them confirmed that practice even in cases where a relevant obligation was lacking. Furthermore, the law enforcement and immigration authorities were mainly mentioned as being competent for such verification. The use of INTERPOL channels and mechanisms for verification purposes was also reported (Croatia, Slovakia, Slovenia and United States).

## **III. Concluding remarks**

47. The foregoing overview of the national measures and practices for the implementation of the Protocol provisions demonstrates that the majority of States parties to the Protocol that responded to the questionnaire have basically and within their means adopted a legislative and institutional framework to ensure such implementation. It is inevitable, however, that in view of the different levels of capacity of Member States fully to implement existing or future measures in the areas under discussion, more concerted efforts have to be made to assist the responding States in need in developing effective and multidisciplinary anti-trafficking strategies and building dedicated and sustainable resources to implement such strategies. For this reason, the Conference may wish to further

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<sup>9</sup> Such as the guidance material prepared under the auspices of the Group of Eight Lyon/Roma Group relating to minimum security standards for the handling and issuance of machine-readable and other passports, as well as the Guidelines for Dealing with External Passport and Other Travel/Identity Document Fraud.

consider and identify concrete areas for custom-made ways of addressing technical assistance needs, as reported by the responding States, in relation to the requirements of the Protocol. Thus, possible areas of technical support might cover activities geared towards improving existing measures or assisting in creating new mechanisms to combat trafficking in persons and to protect and assist victims or even, at a basic level, helping States lacking the capacity to do so to report adequately to the Secretariat on anti-trafficking measures and policies (from the States responding during the second reporting cycle of the Conference, Ecuador reported that its national authorities needed assistance in collecting and submitting relevant information to the Secretariat and completing technical papers such as the questionnaire on the implementation of the Protocol).

## Annex

**Status of responses to the questionnaire on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: second reporting cycle**

<i>State or regional economic integration organization</i>	<i>Date of signature</i>	<i>Date of ratification, acceptance (A), approval (AA), accession (a) or succession (d)</i>	<i>Year response received</i>	<i>Year update to response received</i>
Albania	12 Dec. 2000	21 Aug. 2002	-	-
Algeria	6 June 2001	9 Mar. 2004	2006	-
Argentina	12 Dec. 2000	19 Nov. 2002	-	-
Armenia	15 Nov. 2001	1 July 2003	-	-
Australia	11 Dec. 2002	14 Sept. 2005	2006	-
Austria	12 Dec. 2000	15 Sept. 2005	2008	-
Azerbaijan	12 Dec. 2000	30 Oct. 2003	2006	-
Bahamas	9 Apr. 2001	-	-	-
Bahrain	-	7 June 2004 (a)	-	-
Barbados	26 Sept. 2001	-	-	-
Belarus	14 Dec. 2000	25 June 2003	2006	-
Belgium	12 Dec. 2000	11 Aug. 2004	2007	2008
Belize	-	26 Sept. 2003 (a)	-	-
Benin	13 Dec. 2000	30 Aug. 2004	2008	-
Bolivia	12 Dec. 2000	18 May 2006	-	-
Bosnia and Herzegovina	12 Dec. 2000	24 Apr. 2002	2008	-
Botswana	10 Apr. 2002	29 Aug. 2002	-	-
Brazil	12 Dec. 2000	29 Jan. 2004	-	-
Bulgaria	13 Dec. 2000	5 Dec. 2001	2006	2008
Burkina Faso	15 Dec. 2000	15 May 2002	2008	-
Burundi	14 Dec. 2000	-	-	-
Cambodia	11 Nov. 2001	2 July 2007	-	-
Cameroon	13 Dec. 2000	6 Feb. 2006	2008	-
Canada	14 Dec. 2000	13 May 2002	2006	-
Cape Verde	13 Dec. 2000	15 July 2004	-	-
Central African Republic	-	6 Oct. 2006 (a)	2008	-
Chad	-	-	2008	-
Chile	8 Aug. 2002	29 Nov. 2004	2006	-

<i>State or regional economic integration organization</i>	<i>Date of signature</i>	<i>Date of ratification, acceptance (A), approval (AA), accession (a) or succession (d)</i>	<i>Year response received</i>	<i>Year update to response received</i>
Colombia	12 Dec. 2000	4 Aug. 2004	2006	-
Congo	14 Dec. 2000	-	-	-
Costa Rica	16 Mar. 2001	9 Sept. 2003	2006	-
Croatia	12 Dec. 2000	24 Jan. 2003	2006	2008
Cyprus	12 Dec. 2000	6 Aug. 2003	-	-
Czech Republic	10 Dec. 2002	-	2006	2008
Democratic Republic of the Congo	-	28 Oct. 2005 (a)	-	-
Denmark	12 Dec. 2000	30 Sept. 2003	-	-
Djibouti	-	20 Apr. 2005 (a)	-	-
Dominican Republic	15 Dec. 2000	5 Feb. 2008	-	-
Ecuador	13 Dec. 2000	17 Sept. 2002	2006	-
Egypt	1 May 2002	5 Mar. 2004	2006	-
El Salvador	15 Aug. 2002	18 Mar. 2004	2006	-
Equatorial Guinea	14 Dec. 2000	7 Feb. 2003	-	-
Estonia	20 Sept. 2002	12 May 2004	2006	-
Finland	12 Dec. 2000	7 Sept. 2006 (A)	2006	2008
France	12 Dec. 2000	29 Oct. 2002	-	-
Gambia	14 Dec. 2000	5 May 2003	-	-
Georgia	13 Dec. 2000	5 Sept. 2006	-	-
Germany	12 Dec. 2000	14 June 2006	2006	2008
Greece	13 Dec. 2000	-	-	-
Grenada	-	21 May 2004 (a)	-	-
Guatemala	-	1 Apr. 2004 (a)	2006	2008
Guinea	-	9 Nov. 2004 (a)	2008	-
Guinea-Bissau	14 Dec. 2000	10 Sept. 2007	-	-
Guyana	-	14 Sept. 2004 (a)	-	-
Haiti	13 Dec. 2000	-	-	-
Honduras	-	11 Apr. 2008	2006	-
Hungary	14 Dec. 2000	22 Dec. 2006	-	-
Iceland	13 Dec. 2000	-	-	-
India	12 Dec. 2002	-	-	-
Indonesia	12 Dec. 2000	-	2006	-
Ireland	13 Dec. 2000	-	-	-
Israel	14 Nov. 2001	23 July 2008	-	-
Italy	12 Dec. 2000	2 Aug. 2006	2006	-
Jamaica	13 Feb. 2002	29 Sept. 2003	-	-
Japan	9 Dec. 2002	-	-	-
Kazakhstan	-	31 July 2008 (a)	2007	-

<i>State or regional economic integration organization</i>	<i>Date of signature</i>	<i>Date of ratification, acceptance (A), approval (AA), accession (a) or succession (d)</i>	<i>Year response received</i>	<i>Year update to response received</i>
Kenya	-	5 Jan. 2005 (a)	-	-
Kiribati	-	15 Sept. 2005 (a)	-	-
Kuwait	-	12 May 2006 (a)	2007	-
Kyrgyzstan	13 Dec. 2000	2 Oct. 2003	-	-
Lao People's Democratic Republic	-	26 Sept. 2003 (a)	-	-
Latvia	10 Dec. 2002	25 May 2004	2007	-
Lebanon	9 Dec. 2002	5 Oct. 2005	2007	-
Lesotho	14 Dec. 2000	24 Sept. 2003	-	-
Liberia	-	22 Sept. 2004 (a)	-	-
Libyan Arab Jamahiriya	13 Nov. 2001	24 Sept. 2004	-	-
Liechtenstein	14 Mar. 2001	20 Feb. 2008	-	-
Lithuania	25 Apr. 2002	23 June 2003	-	-
Luxembourg	13 Dec. 2000	-	-	-
Madagascar	14 Dec. 2000	15 Sept. 2005	2006	2008
Malawi	-	17 Mar. 2005 (a)	-	-
Malaysia	-	-	2006	-
Mali	15 Dec. 2000	12 Apr. 2002	-	-
Malta	14 Dec. 2000	24 Sept. 2003	2006	2008
Mauritania	-	22 July 2005 (a)	-	-
Mauritius	-	24 Sept. 2003 (a)	2007	-
Mexico	13 Dec. 2000	4 Mar. 2003	2007	-
Moldova	14 Dec. 2000	16 Sept. 2005	2008	2008
Monaco	13 Dec. 2000	5 June 2001	-	-
Montenegro <sup>a</sup>	-	23 Oct. 2006 (d)	-	-
Morocco	-	-	2006	-
Mozambique	15 Dec. 2000	20 Sept. 2006	-	-
Myanmar	-	30 Mar. 2004 (a)	2006	-
Namibia	13 Dec. 2000	16 Aug. 2002	-	-
Nauru	12 Nov. 2001	-	-	-
Netherlands	12 Dec. 2000	27 July 2005 (A)	2006	-
New Zealand	14 Dec. 2000	19 July 2002	2006	-
Nicaragua	-	12 Oct. 2004 (a)	-	-
Niger	21 Aug. 2001	30 Sept. 2004	2008	-
Nigeria	13 Dec. 2000	28 June 2001	2006	-
Norway	13 Dec. 2000	23 Sept. 2003	2006	-
Oman	-	13 May 2005 (a)	-	-

<i>State or regional economic integration organization</i>	<i>Date of signature</i>	<i>Date of ratification, acceptance (A), approval (AA), accession (a) or succession (d)</i>	<i>Year response received</i>	<i>Year update to response received</i>
Panama	13 Dec. 2000	18 Aug. 2004	-	-
Paraguay	12 Dec. 2000	22 Sept. 2004	-	-
Peru	14 Dec. 2000	23 Jan. 2002	2006	-
Philippines	14 Dec. 2000	28 May 2002	2008	-
Poland	4 Oct. 2001	26 Sept. 2003	2006	2008
Portugal	12 Dec. 2000	10 May 2004	2006	-
Republic of Korea	13 Dec. 2000	-	2006	-
Romania	14 Dec. 2000	4 Dec. 2002	2006	-
Russian Federation	12 Dec. 2000	26 May 2004	2006	-
Rwanda	14 Dec. 2000	26 Sept. 2003	-	-
Saint Kitts and Nevis	-	21 May 2004 (a)	-	-
Saint Vincent and the Grenadines	20 Nov. 2002	-	-	-
San Marino	14 Dec. 2000	-	-	-
Sao Tome and Principe	-	23 Aug. 2006 (a)	-	-
Saudi Arabia	10 Dec. 2002	20 July 2007	-	-
Senegal	13 Dec. 2000	27 Oct. 2003	-	-
Serbia	12 Dec. 2000	6 Sept. 2001	2006 <sup>b</sup>	2008
Seychelles	22 July 2002	22 June 2004	-	-
Sierra Leone	27 Nov. 2001	-	-	-
Slovakia	15 Nov. 2001	21 Sept. 2004	2006	2008
Slovenia	15 Nov. 2001	21 May 2004	2007	-
South Africa	14 Dec. 2000	20 Feb. 2004	2006	2008
Spain	13 Dec. 2000	1 Mar. 2002	2006	2008
Sri Lanka	13 Dec. 2000	-	-	-
Suriname	-	25 May 2007 (a)	-	-
Swaziland	8 Jan. 2001	-	-	-
Sweden	12 Dec. 2000	1 July 2004	2006	2008
Switzerland	2 Apr. 2002	27 Oct. 2006	2008	2008
Syrian Arab Republic	13 Dec. 2000	-	-	-
Tajikistan	-	8 July 2002 (a)	-	-
Thailand	18 Dec. 2001	-	2006	-
The former Yugoslav Republic of Macedonia	12 Dec. 2000	12 Jan. 2005	2006	-
Togo	12 Dec. 2000	-	2008	-
Trinidad and Tobago	26 Sept. 2001	6 Nov. 2007	-	-
Tunisia	13 Dec. 2000	14 July 2003	2007	-

<i>State or regional economic integration organization</i>	<i>Date of signature</i>	<i>Date of ratification, acceptance (A), approval (AA), accession (a) or succession (d)</i>	<i>Year response received</i>	<i>Year update to response received</i>
Turkey	13 Dec. 2000	25 Mar. 2003	2006	-
Turkmenistan	-	28 Mar. 2005 (a)	2006	-
Uganda	12 Dec. 2000	-	-	-
Ukraine	15 Nov. 2001	21 May 2004	-	-
United Kingdom of Great Britain and Northern Ireland	14 Dec. 2000	9 Feb. 2006	2006	-
United Republic of Tanzania	13 Dec. 2000	24 May 2006	-	-
United States of America	13 Dec. 2000	3 Nov. 2005	2006	2008
Uruguay	13 Dec. 2000	4 Mar. 2005	-	-
Uzbekistan	28 June 2001	-	-	-
Venezuela (Bolivarian Republic of)	14 Dec. 2000	13 May 2002	-	-
Zambia	-	24 Apr. 2005 (a)	-	-
Zimbabwe	-	-	2006	-
European Community	12 Dec. 2000	6 Sept. 2006 (AA)	2006	-

<sup>a</sup> By its resolution 60/264 of 28 June 2006, the General Assembly admitted the Republic of Montenegro to membership in the United Nations.

<sup>b</sup> From 3 June 2006, the membership of Serbia and Montenegro in the United Nations was continued by Serbia.