United Nations

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

1 December 2005

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

The purpose of the present questionnaire is to collect information from States parties and signatories to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II), in accordance with guidance provided by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its second session and in the context of the programme of work approved at that session (decision 2/3). The information to be provided will relate to the following areas, as determined by the Conference of the Parties, for consideration at its third session:

(a) Matters related to assistance to and protection of victims of trafficking in persons and the status of such victims in receiving States;

(b) Matters related to repatriation of victims of trafficking in persons;

(c) Matters related to border measures, security and control of documents and legitimacy and validity of documents.

Does your country need assistance in providing the information requested in this questionnaire?

( ) Yes ( ) No

V.05-90531 (E)

0590531

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

National responses to the questions in this section of the questionnaire should, where necessary and appropriate, be interrelated to and combined with the responses to be provided in the context of the second questionnaire on the implementation of the United Nations Convention against Transnational Organized Crime addressed to States parties and signatories to the Convention in accordance with decision 2/1 of the Conference of the Parties to the Convention, adopted at its second session.

1. Has your country taken any legislative and/or other practical measures to protect the privacy and identity of victims of trafficking in persons, including by making legal proceedings relating to such trafficking confidential (art. 6, para. 1, of the Protocol)?

( ) Yes ( ) No

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

.....

.....

.....

.....

(b) If the answer is "Yes", please specify and provide any available information on constitutional or other basic legal requirements existing in your country's legal system, if any, and related to the protection of the basic rights of the offender, the rights of the media to free expression, or the right to privacy or other rights of the victims while implementing such protective measures for victims of trafficking in persons.

.....

.....

.....

.....

2. Has your country taken any legislative and/or administrative measures to ensure the provision of information to victims of trafficking in persons on relevant court and administrative proceedings, as well as the provision of assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against persons accused of trafficking in persons (art. 6, para. 2)?

( ) Yes ( ) No

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

.....

.....

.....

(b) If the answer is "Yes", please specify and provide any available information on constitutional or other basic legal requirements existing in your country's legal system, if any, and related to the protection of basic rights of the offender while implementing such protective measures for victims of trafficking in persons.

.....

.....

.....

.....

3. Has your country taken any measures to enable the physical, psychological and social recovery of victims of trafficking in persons (art. 6, para. 3) and, in particular, the provision of:

(a) Appropriate housing?

( ) Yes ( ) No

and/or

(b) Counselling and information in a language that such victims can understand, in particular with respect to their legal rights?

( ) Yes ( ) No

and/or

(c) Medical, psychological and material assistance?

( ) Yes ( ) No

and/or

(d) Employment, educational and training opportunities?

( ) Yes ( ) No

4. If the answer to any or all of the subsections of question 3 is "Yes", please specify and provide, in particular, any available information on cooperation, if any, of your country's competent authorities with non-governmental or other organizations and other elements of civil society in implementing the relevant measures.

.....

.....

.....

.....

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

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

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

( ) Yes ( ) No

If the answer is "Yes", please specify.

.....

.....

.....

.....

7. Has your country taken any measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered as a result of the trafficking offence or any other related crime (art. 6, para. 6)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

8. Has your country adopted any legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, to participate in legal proceedings relating to trafficking or for humanitarian or other reasons (art. 7)?

( ) Yes ( ) No

If the answer is "Yes", please specify and provide, in particular, any available information on humanitarian and compassionate factors taken into account in implementing such measures (art. 7, para. 2).

.....

.....

.....

.....

Please provide either a copy of your country's relevant legislation (or, where appropriate, relevant regulations and administrative rules), where feasible in electronic form, or website addresses, if any, where such legislation (or, where appropriate, regulations or rules) may be found.

II. Matters related to repatriation of victims of trafficking in persons

9. What kind of measures are taken in your country to enable the return of victims of trafficking in persons without undue or unreasonable delay to the State party of which such victims are nationals or in which they had the right of permanent residence at the time of entry into the territory of your country?

Please specify and provide any available information on how the need to ensure the safety of such victims and the status of any legal proceedings related to trafficking are taken into account in the repatriation process (art. 8, para. 2, of the Protocol).

.....

.....

.....

.....

10. In returning victims of trafficking in persons to countries of nationality or permanent residence, is the consent of such victims taken into consideration?

( ) Yes ( ) No

11. Are your country's competent authorities obliged to verify, at the request of a receiving State party, without undue or unreasonable delay whether a person who is a victim of trafficking in persons is a national of, or had the right of permanent residence in, your country at the time of entry into the territory of the receiving State party (art. 8, para. 3)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

12. If a victim of trafficking in persons is a national of, or had the right of permanent residence in, your country at the time of entry into the territory of another State party, do your country's competent authorities facilitate and accept his/her return without undue and unreasonable delay and with due regard to his/her safety (art. 8, para. 1)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

13. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, are your country's competent authorities obliged to issue, at the request of the receiving State party, such travel documents or other authorization as may be necessary to enable the victim to travel and re-enter the territory of your country (art. 8, para. 4)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

14. Has your country entered into any bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons (art. 8, para. 6)?

( ) Yes ( ) No

If the answer is “Yes”, please specify.

.....

.....

.....

.....

Please provide either a copy of your country’s relevant legislation (or, where appropriate, relevant regulations and administrative rules), where feasible in electronic form, or website addresses, if any, where such legislation (or, where appropriate, regulations or rules) may be found.

III. Matters related to border measures, security and control of documents and legitimacy and validity of documents

15. Has your country adopted any legislative or other measures to prevent means of transport operated by commercial carriers from being used in the commission of offences related to trafficking in persons (art. 11, para. 2, of the Protocol)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

16. Have your country’s competent authorities strengthened border measures in order to prevent and detect trafficking in persons (art. 11, para. 1)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

17. Has your country taken any legislative or other measures that permit the denial of entry or revocation of visas of persons implicated in the commission of offences related to trafficking in persons (art. 11, para. 5)?

( ) Yes ( ) No

If the answer is “Yes”, please specify.

.....

.....

.....

.....

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

( ) Yes ( ) No

If the answer is "Yes", please specify.

.....

.....

.....

.....

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

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

20. Are your country's competent authorities obliged to verify, at the request of another State party, within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in your country's name and suspected of being used for trafficking in persons (art. 13)?

( ) Yes ( ) No

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

.....

.....

.....

.....

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

.....

.....

.....

.....

IV. Other information

21. 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 at this stage regarding aspects of, or difficulties in, implementing the Trafficking in Persons Protocol other than those mentioned above.

.....

.....

.....

.....

.....

.....

.....

.....

Country: _____

Date on which the questionnaire was received:

____/____/____
(day/month/year)

The official(s) responsible for responding to the questionnaire is (are):

Ms./Mr. _____

Title and/or position: _____

_____

Agency and/or office: _____

_____

Mailing address: _____

_____

_____

_____

Telephone number: _____

Telefax number: _____

E-mail address: _____

Completed questionnaires should be sent to:

United Nations Office on Drugs and Crime
Vienna International Centre
P.O. Box 500
1400 Vienna, Austria

E-mail: untoc.cop@unodc.org
Tel.: + 43 (1) 26060 5762
Direct fax: + 43 (1) 26060 73957