



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

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**Finalization and harmonization of the
self-assessment questionnaires for the review of the
implementation of the United Nations Convention
against Transnational Organized Crime and the
Protocols thereto**

Self-assessment questionnaire for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

Draft text by the Chair

1. Is trafficking in persons, when committed intentionally, criminalized under your country's domestic legislation (art. 5, para. 1, in conjunction with art. 3, of the Protocol)?

Yes No

2. If the answer to question 1 is "No", please specify how trafficking in persons is defined in your domestic legislation.

3. If the answer to question 1 is "Yes", is trafficking in persons defined in your country as a criminal offence in accordance with article 3, subparagraph (a), of the Protocol (combination of three constituent elements: action, means and purpose of exploitation).

Yes No

4. If the answer to question 1 is "Yes", does the action of trafficking in persons consist of:

(a) Recruitment; and/or

Yes No

* CTOC/COP/WG.10/2019/1.



- (b) Transportation; and/or Yes No
- (c) Transfer; and/or Yes No
- (d) Harboring; and/or Yes No
- (e) Receipt of persons? Yes No

5. If the answer to question 1 is “Yes”, do the means of trafficking in persons consist of:

- (a) Threat or use of force; and/or Yes No
- (b) Other forms of coercion; and/or Yes No
- (c) Abduction; and/or Yes No
- (d) Fraud; and/or Yes No
- (e) Deception; and/or Yes No
- (f) Abuse of power; and/or Yes No
- (g) Abuse of position of vulnerability; and/or Yes No
- (h) The giving or receiving of payments or benefits to achieve the consent of a person having control over another person? Yes No

6. If the answer to question 1 is “Yes”, does the purpose of exploitation include:

- (a) Forced labour or services; and/or Yes No
- (b) Slavery or practices similar to slavery; and/or Yes No
- (c) Servitude; and/or Yes No
- (d) Removal of organs; and/or Yes No
- (e) Other (please specify)

7. Whenever any of the means described in article 3, subparagraph (a), of the Protocol has been used, as indicated in question 5, is the consent of the victim of trafficking in persons taken into consideration under your domestic legislation?

Yes No

Please explain.

8. Who is considered to be a “child” under your domestic legislation (art. 3, subpara. (d))?

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

Other (please specify)

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

Yes Yes, in part No

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

(b) If your answer is “No”, does the basic concept of your legal system prevent the adoption of measures to criminalize the attempt to commit trafficking in persons?

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

Yes Yes, in part No

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

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

11. Does your country criminalize the organization or the direction of other persons to commit trafficking in persons (art. 5, para. 2 (c), in conjunction with art. 3)?

Yes Yes, in part No

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

12. Does your country ensure that, when the means set forth in paragraph 3 (a) have been established, the consent of the victim is irrelevant (in accordance with art. 3, subpara. (b))?

Yes No

Please provide details.

13. Does your country's legal system criminalize trafficking in children (recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation) without involving any of the means set forth in paragraph 3 (a) of the Protocol?

Yes No

14. Under your country's domestic law, are there measures to protect the privacy and identity of victims of trafficking in persons, in appropriate cases (art. 6, para. 1)?

Yes No

If yes, please provide examples, including any specific measures under your legal system regarding identity, protection and assistance to victims of trafficking in persons, including making legal proceedings to such trafficking confidential.

15. To ensure that its domestic legal or administrative system contains measures to provide victims of trafficking in persons, in appropriate cases, with information on relevant court and administrative proceedings, and assistance to enable their views to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence, has your country implemented any of the following (art. 6, para. 2)?

Measures to inform victims of trafficking in persons about relevant judicial and administrative procedures (art. 6, para. 2 (a))

Please describe below whether such measures must be provided in writing or may be provided orally.

Measures to assist victims of trafficking in persons to present their views and concerns for consideration at appropriate stages of criminal proceedings (art. 6, para. 2 (b))

Measures to counsel and inform victims of trafficking in persons, including through State legal aid services or specialized structures, as may be applicable, in particular as regards their legal rights (art. 6, para. 3 (b))

Measures to counsel and inform victims of trafficking in persons, including through State legal aid services or specialized structures, as may be applicable, in a language that they understand (art. 6, para. 3 (b))

Measures aimed at providing victims of trafficking in persons with access to legal aid during the entire period of civil or legal action against perpetrators of trafficking in persons

Other legislative or administrative measures your country has adopted, such as affording victims of trafficking in persons a "period of reflection" before committing to participate in a judicial procedure

16. 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 following provisions:

- (a) Appropriate accommodation for victims of trafficking in persons? (art. 6, para. 3 (a)); and/or Yes No
- (b) Counselling and information in a language that they can understand, in particular with respect to their legal rights? and/or Yes No
- (c) Medical, psychological and material assistance? and/or Yes No
- (d) Employment, educational and training opportunities? Yes No

17. If the answer to any of the subsections of question 16 is “Yes”, please specify and provide, in particular, 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 (art. 6, para. 3).

18. In implementing protective measures for victims of trafficking in persons, 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.

19. 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.

20. Have law enforcement authorities and other competent authorities been given training regarding their responsibility to ensure the safety of victims of trafficking in persons?

Yes Yes, in part No

21. Please specify the witness protection measures available for victims of trafficking in persons:

- Confidentiality or change of identity
- Relocation to new accommodation or geographic location

- Arrangements with other States to provide protective measures for witnesses or victims, such as a new residence
- Use of special communications techniques to assist the witness, such as video link, recorded testimony, or, if permitted, closed trials
- Other measures (please specify)

22. Please provide details on the available witness protection measures.

23. Do the domestic legal and administrative procedures of your country take into consideration the age, gender and special needs of victims of trafficking in persons?

- Yes Yes, in part No

Please provide details on these procedures.

24. Are these measures applied to child victims or witnesses, with respect to their special needs, including housing, education, and care?

- Yes Yes, in part No

Please provide details on these procedures.

25. 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

If the answer is “No”, please explain.

26. Has your country implemented any of the following measures?

Adopted legislative or other appropriate measures that permit victims of trafficking in persons, in appropriate cases, to remain in its territory temporarily or permanently (art. 7, para. 1)

Adopted legislative or other measures that permit victims of trafficking in persons, in appropriate cases, for humanitarian and compassionate factors, to remain in its territory temporarily or permanently (art. 7, para. 2)

Adopted legislative or other measures to facilitate and accept the return of victims of trafficking in persons, without undue or unreasonable delay, with due regard for the safety of that person, when the victim was a national of your State or had the right of permanent residence in your State at the time of entry into the country (art. 8, para. 1)

Adopted legislative or other measures to facilitate the return of victims of trafficking in persons who are nationals of your State or had the right of permanent residence in your State, with due regard for the safety of that person, and for the status

of any legal proceedings related to the fact that the person is a victim of trafficking (art. 8, para. 2)

Adopted legislative or other measures to verify, at the request of another State party, whether a person who is a victim of trafficking in persons is a national of your State or is entitled to permanent residence in your State, without undue or unreasonable delay (art. 8, para. 3)

Adopted legislative or other measures to enable the production of travel documents or other authorization as may be necessary to enable a victim of trafficking in persons who is a national of your State or is entitled to permanent residence in your State, who is without proper documentation, to travel to and re-enter your country (art. 8, para. 4)

Adopted legislative or other measures that provide additional rights to victims of trafficking in persons (art. 8, para. 5)

Entered into any bilateral or multilateral agreements or arrangements that govern in whole or in part the return of victims of trafficking in persons (art. 8, para. 6). Such agreements or arrangements may address the principle of non-refoulement or procedures for seeking asylum

Other measures (please specify)

27. If you have selected one or more of the items in question 26, please provide examples.

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

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law or policy.

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

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law or policy.

30. Does your State undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons (art. 9, para. 2)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law or policy.

31. Do the policies, programmes and other measures undertaken by your State include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society (art. 9, para. 3)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law or policy.

32. Do the policies, programmes and other measures undertaken by your State, including though bilateral or multilateral cooperation, include taking or strengthening measures to alleviate the factors that make persons, especially women and children, vulnerable to trafficking in persons, such as poverty, underdevelopment and lack of equal opportunity (art. 9, para. 4)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law, policy or cooperation arrangements.

33. Do the policies, programmes and other measures undertaken by your State, including though bilateral or multilateral cooperation, include educational, social or cultural measures, in order to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking in persons (art. 9, para. 5)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law, policy or cooperation arrangements.

34. If the policies, programmes or other measures of your State have been assessed or analysed, please cite any relevant documents (e.g., assessments, gap analysis, reports of other international and regional review mechanisms, and policy studies).

35. Do law enforcement, immigration or other relevant authorities of your country cooperate with one another by exchanging information to enable them to determine (art. 10, para. 1):

Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons (art. 10, para. 1 (a))

The types of travel documents that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons (art. 10, para. 1 (b))

The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them (art. 10, para. 1 (c))

Please provide details.

36. Has specialized training that focuses on methods used in the prevention of trafficking in persons, the prosecution of the traffickers, or the protection of the rights of victims been provided to any of the following actors?

- Law enforcement authorities
- Immigration authorities
- Judicial authorities
- Prosecutors
- Labour inspectors
- Consular officers
- Emergency and first responders
- Health-care staff
- Airline or travel industry personnel
- Social workers
- Probation officers
- Other (please specify)

37. Has your country adopted legislative or other measures to ensure compliance with any restrictions on use placed on information transmitted from another State party (art. 10, para. 3)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the policies, programmes or other measures and cite the relevant law, policy or cooperation arrangement.

38. Has your country adopted legislative or other measures to strengthen border controls to prevent and detect trafficking in persons (art. 11, para. 1)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures and cite the relevant law or policy.

39. Has your country adopted legislative or other measures to prevent the means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of the Protocol (e.g., trafficking in persons; attempting to do so, if permitted under the basic concepts of the legal system of your country; participating in trafficking in persons as an accomplice; or organizing or directing other persons to commit such offences) (art. 11, para. 2)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures and cite the relevant law or policy.

40. Do the measures referred to in question 39 include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of travel documents required for entry into the receiving State (art. 11, para. 3)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures and cite the relevant law or policy.

41. Do the measures referred to in question 39 include sanctions in cases of a violation of the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of travel documents required for entry into the receiving State (art. 11, para. 4)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures and cite the relevant law or policy.

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

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures and cite the relevant law or policy.

43. Has your State taken measures to strengthen cooperation among border control agencies, such as by establishing and maintaining direct channels of communication (art. 11, para. 6)?

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures and cite the relevant law or policy.

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

Yes Yes, in part No

If the answer is “Yes” or “Yes, in part”, please summarize the measures.

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

Yes Yes, in part No

If the answer is "Yes" or "Yes, in part", please summarize the measures.

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

Yes Yes, in part No

If the answer is "Yes" or "Yes, in part", please summarize the measures.

47. Did your country encounter difficulties in implementing the provisions of the Trafficking in Persons Protocol?

Yes No

If the answer is "Yes", please explain.

48. If domestic legislation has not been adapted to the requirements of the Protocol, please specify what steps remain to be taken.

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

Yes No

If 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

Please be specific.

- 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)

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

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	
Email address	
