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

28 July 2004

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## Questionnaire on 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 Convention at its first session and in the context of the programme of work approved at that session (decision 1/5). The information to be provided will relate to the following areas, as determined by the Conference of the Parties, for consideration at its second session:

- (a) Basic adaptation of national legislation in accordance with the Protocol;
- (b) Examination of criminalization legislation and difficulties encountered in implementation of article 5 of the Protocol;
- (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Protocol;
- (d) Views on and experience regarding the protection of victims and preventive measures, gained primarily in the implementation of articles 6 and 9 of the Protocol, including awareness-raising.<sup>1</sup>

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

Yes     No

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<sup>1</sup> The Conference adopted decision 1/5 on the understanding that the exchange of views on and experience gained in the implementation of measures on protection and prevention would not imply collection of information by the Secretariat, but would serve as a guide for preparations by States parties and observers for the second session of the Conference.



**I. Definition and criminalization requirements under the Trafficking in Persons Protocol**

1. Is trafficking in persons criminalized under your domestic legislation?  
 Yes  No

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

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(b) If the answer 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

2. If the answer to question 1 (b) is “No”, please specify how trafficking in persons is defined in your domestic legislation.

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3. If the answer to question 1 (b) is “Yes”, does the action of trafficking in persons consist of:

(a) Recruitment;  
 Yes  No

and/or

(b) Transportation;  
 Yes  No

and/or

(c) Transfer;  
 Yes  No

and/or

(d) Harboring;  
 Yes  No

and/or

(e) Receipt of persons?

Yes       No

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

(a) Threat or use of force;

Yes       No

and/or

(b) Other forms of coercion;

Yes       No

and/or

(c) Abduction;

Yes       No

and/or

(d) Fraud;

Yes       No

and/or

(e) Deception;

Yes       No

and/or

(f) Abuse of power;

Yes       No

and/or

(g) Abuse of a position of vulnerability;

Yes       No

and/or

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

Yes       No

5. If the answer to question 1 (b) is “Yes”, does the purpose of exploitation include:

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

Yes       No

and/or

(b) Forced labour or services;

Yes       No

and/or

(c) Slavery or practices similar to slavery;

Yes       No

and/or

(d) Servitude;

Yes       No

and/or

(e) Removal of organs;

Yes       No

and/or

(f) Other?

Yes       No

Please specify.

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6. Whenever any of the means described in question 4 has been used, is the consent of the victim of trafficking in persons taken into consideration under your domestic legislation?

Yes       No

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

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

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7. Who is considered to be a “child” under your domestic legislation?

(a) A person under 18 years old, in accordance with article 3, subparagraph (d), of the Protocol;

Yes       No

or

(b) Other?

Yes       No

Please specify.

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8. Whenever a child is trafficked, are the means of trafficking described in question 4 necessary for the establishment of the criminal offence under your domestic legislation?

Yes       No

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

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

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9. If the answer to question 1 (b) is “No”, please specify any individual offences criminalized under your domestic legislation and related to any of the stages of the trafficking process (recruitment, transportation, exploitation and money-laundering) (see also question 2).

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10. Does your country’s legislation establish as a criminal offence the attempt to commit the offence of trafficking in persons, as defined in article 3, subparagraph (a), of the Protocol or the individual offences referred to in question 9 (art. 5, para. 2 (a), of the Protocol)?

Yes       No

11. If the answer to question 10 is “No”, please explain.

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12. Is participating as an accomplice in the offence of trafficking in persons, as defined in article 3, subparagraph (a), of the Protocol, or in the individual offences referred to in question 9 criminalized under your domestic legislation (art. 5, para. 2 (b), of the Protocol)?

Yes       No

13. If the answer to question 12 is “No”, please explain.

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14. Are organizing or directing other persons to commit the offence of trafficking in persons, as defined in article 3, subparagraph (a), of the Protocol, or the individual offences referred to in question 9 criminalized under your domestic legislation (art. 5, para. 2 (c), of the Protocol)?

Yes       No

15. If the answer to question 14 is “No”, please explain.

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16. Does your domestic legislation make a distinction between trafficking in persons and smuggling of migrants?

( ) Yes ( ) No

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

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

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Please provide a copy of your country’s relevant legislation and web site addresses, if any, where such legislation may be found.

## **II. International cooperation requirements under the Trafficking in Persons Protocol**

In view of the fact that the provisions of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) apply, mutatis mutandis, to the Trafficking in Persons Protocol, issues related to international cooperation requirements under the Protocol are to be addressed in section II of a separate questionnaire on the implementation of the Convention.

This questionnaire is being sent to States parties and signatories to the Convention in order to collect relevant information in accordance with decision 1/2 of the Conference of the Parties to the Convention, adopted at its first session, held in Vienna from 28 June to 8 July 2004.

### III. Difficulties encountered and assistance required

#### A. Difficulties encountered

17. If domestic legislation has not been adapted to the Protocol's requirements on the issues dealt with in questions 1-16, what steps remain to be taken? (For example, is legislation being drafted? Has legislation been submitted for approval?) Please specify.

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18. Are there any difficulties hampering the adoption of adequate national legislation?

( ) Yes ( ) No

19. If the answer to question 18 is "Yes", please specify.

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#### B. Need for technical assistance

20. Does your country require technical assistance to overcome such difficulties?

( ) Yes ( ) No

21. If the answer to question 20 is "Yes", please specify.

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#### C. Technical assistance provided

22. Does your country provide technical assistance to other countries in the areas covered by this questionnaire?

- (a) Bilaterally?

( ) Yes ( ) No

and/or

- (b) Through international organizations?

( ) Yes ( ) No



23. If the answer to question 22 (b) is “Yes”, please specify which organizations.

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24. If the answer to question 22 is “Yes”, please specify the types of technical assistance provided.

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**IV. Other information**

25. 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.

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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: \_\_\_\_\_

Deadline for submission of the questionnaire: 15 April 2005

Completed questionnaires should be sent to:

Division for Treaty Affairs  
United Nations Office on Drugs and Crime  
Vienna International Centre  
PO Box 500  
A 1400 Vienna, Austria

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