

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

Distr.: Limited
6 July 2004

Original: English

First session
Vienna, 28 June-9 July 2004

Draft report

Acting Rapporteur: Alojz Nemethy (Slovakia)

Addendum

Draft 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

<p>Does your country need assistance in providing the information requested in this questionnaire?</p>
--

I. Definition and criminalization requirements under the Protocol

1. Is trafficking in persons criminalized under your domestic legislation?
2. 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)?
3. If the answer to question 2 is “Yes”, does the action of trafficking in persons consist of:
 - (a) Recruitment; and/or
 - (b) Transportation; and/or
 - (c) Transfer; and/or
 - (d) Harboursing; and/or



- (e) Receipt of persons?
4. If the answer to question 2 is “Yes”, do the means of trafficking in persons consist of:
 - (a) Threat or use of force; and/or
 - (b) Other forms of coercion; and/or
 - (c) Abduction; and/or
 - (d) Fraud; and/or
 - (e) Deception; and/or
 - (f) Abuse of power; and/or
 - (g) Abuse of a position of vulnerability; and/or
 - (h) The giving or receiving of payments or benefits to achieve the consent of a person having control over another person?
 5. If the answer to question 2 is “Yes”, does the purpose of exploitation include:
 - (a) Exploitation of the prostitution of others or other forms of sexual exploitation; and/or
 - (b) Forced labour or services; and/or
 - (c) Slavery or practices similar to slavery; and/or
 - (d) Servitude; and/or
 - (e) Removal of organs; and/or
 - (f) Other? (Please specify.)
 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?
 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; or
 - (b) Other? (Please specify.)
 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?
 9. If the answer to question 2 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).
 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)?

11. 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)?
12. 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)?
13. Does your domestic legislation make a distinction between trafficking in persons and smuggling of migrants?

Please provide a copy of your country's relevant legislation.

In view of the fact that the provisions of the United Nations Convention against Transnational Organized Crime 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 the draft questionnaire on the implementation of the Convention (see CTOC/COP/2004/L.1/Add.2).

II. Difficulties encountered and assistance required

A. Difficulties encountered

14. If domestic legislation has not been adapted to the Protocol's requirements on the above-mentioned issues, what steps remain to be taken? (For example, is legislation being drafted? Has legislation been submitted for approval?)
15. Are there any difficulties hampering the adoption of adequate national legislation? Please specify.

B. Need for technical assistance

16. Does your country require technical assistance to overcome such difficulties?
17. If the answer to question 16 is "Yes", please specify.

C. Technical assistance provided

18. Does your country provide technical assistance to other countries in the areas covered by this questionnaire?
 - (a) Bilaterally?
 - (b) Through international organizations? Please specify which organizations.
19. If the answer to question 18 is "Yes", please specify the types of technical assistance provided.