



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

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Questionnaire on the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, 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 against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255, annex), in accordance with guidance provided by the Conference of the Parties to the Convention at its second session and in the context of the programme of work approved at that session (decision [...]). 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) Basic adaptation of national legislation in accordance with the Protocol;
- (b) Examination of criminalization legislation and difficulties encountered in the 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) [...].

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

() Yes () No



I. Definition and criminalization requirements under the Firearms Protocol

1. Does your domestic legislation contain a legal definition of firearms?

() Yes () No

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

- (b) If the answer is “Yes”, is the domestic definition of firearms in line with the definition contained in article 3, subparagraph (a), of the Protocol?

() Yes () No

2. If the answer to question 1 (b) is “No”, please specify whether:

- (a) The definition of firearms in your legislation is broader or narrower than definition in the Protocol;

- (b) The definition of firearms in your legislation is based on physical or forensic characteristics associated with firearms or on categories or qualifying terms indicating the intended application for which the firearms were designed (such as “military” or “sporting or recreational” firearms).

3. Does your domestic legislation contain any regulation on antique firearms and their replicas?

() Yes () No

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

(b) If the answer is “Yes”, please specify and provide any available information on:

- (i) Any time threshold used to exclude antiques from the scope of application of national law(s) on firearms (specific number of years or a date in time);

- (ii) Any criteria used to exclude replicas of antique firearms from the scope of application of national law(s) on firearms (capabilities or appearance of the replicas).

4. Where a national definition exists, are the following (identified as “parts and components” in art. 3, subpara. (b), of the Protocol) included in this definition or defined separately under your domestic legislation:

- (a) Any element or replacement element designed specifically for firearms and essential to their operation (barrel, frame or receiver, slide or cylinder, bolt or breech block, or other)?

() Yes () No

Please specify.

- (b) Any device or accessory designed or adapted to diminish the sound caused by firing a firearm?

() Yes () No

Please specify.

5. Does your domestic legislation contain a legal definition of finished or assembled types of ammunition used in a firearm?

() Yes () No

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

- (b) If the answer is “Yes”, is the domestic definition of ammunition in line with article 3, subparagraph (c), of the Protocol?

() Yes () No

6. If the answer to question 5 (b) is “No”, please specify whether the domestic definition of ammunition is broader or narrower than the definition in the Protocol.¹

7. Does your country’s legislation establish as a criminal offence the manufacturing or assembly of firearms, their parts and components or ammunition from parts and components illicitly trafficked (art. 5, para. 1 (a), in conjunction with art. 3, subpara. (d) (i), of the Protocol)?

() Yes () No

8. If the answer to question 7 is “No”, please explain.

¹ Replies to be provided should include information on whether components of ammunition referred to in article 3, subparagraph (c), of the Protocol are themselves subject to authorization in your country or not.

9. Does your country's legislation establish as a criminal offence the manufacturing or assembly of firearms, their parts and components or ammunition without a licence or authorization from a competent national authority (art. 5, para. 1 (a), in conjunction with art. 3, subpara. (d) (ii), of the Protocol)?

() Yes () No

10. If the answer to question 9 is "No", please explain.

11. Does your country's legislation establish as a criminal offence the manufacturing or assembly of firearms without marking them at the time of manufacture or with markings that do not meet the requirements of article 8 of the Protocol (art. 5, para. 1 (a), in conjunction with arts. 3, subpara. (d) (iii), and 8, para. 1 (a), of the Protocol)?

() Yes () No

12. If the answer to question 11 is "No", please explain.

13. Does your country's legislation establish as a criminal offence the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components or ammunition without authorization or with inadequate or not valid authorization (art. 5, para. 1 (b), in conjunction with arts. 3, subpara. (e), and 10 of the Protocol)?

() Yes () No

14. If the answer to question 13 is "No", please explain.

15. Does your country's legislation establish as a criminal offence the import, export, acquisition, sale, delivery, movement or transfer of firearms if these firearms have not been appropriately marked (art. 5, para. 1 (b), in conjunction with arts. 3, subpara. (e), and 8 of the Protocol)?

() Yes () No

16. If the answer to question 15 is "No", please explain.

17. Does your country's legislation establish as a criminal offence the act of falsifying or illicitly obliterating, removing or altering the marking(s) on firearms (art. 5, para. 1 (c), in conjunction with art. 8 of the Protocol)?

() Yes () No

18. If the answer to question 17 is "No", please explain.

19. Does your domestic legislation require some form of marking for parts and components of firearms and ammunition?

() Yes () No

20. If the answer to question 19 is "Yes", does your domestic legislation stipulate that the offences referred to in questions 11, 15 and 17 also apply to parts and components of firearms and ammunition (art. 34, para. 3, of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), in conjunction with art. 1, para. 2, of the Protocol)?

() Yes () No

21. If the answer to question 20 is "No", please explain.

22. Bearing in mind that article 34, paragraph 3, of the United Nations Convention against Transnational Organized Crime, in conjunction with article 1, paragraph 2, of the Firearms Protocol, authorizes States parties to the Protocol to adopt more strict or severe measures than those provided for in the Protocol, does your domestic legislation establish as criminal offences the following conducts:

- (a) Acts related to the failure to keep records of firearms and, where appropriate and feasible, their parts and components and ammunition, and the falsification and destruction of such records (see art. 7 of the Protocol)?

() Yes () No

and/or

- (b) Acts of giving false or misleading information likely to unduly influence the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or their export, import or transit?

() Yes () No

and/or

- (c) Acts related to the falsification or misuse of documents for the purpose of achieving the issuance of the required licence or authorization for either the manufacture or assembly of firearms, their parts and components or ammunition or their export, import or transit?

() Yes () No

and/or

- (d) Acts of possession or use of fraudulent licences in relation to the manufacture or assembly of firearms, their parts and components or ammunition or their export, import or transit?

() Yes () No

and/or

- (e) Illicit reactivation of deactivated firearms, including the attempt to reactivate them (see art. 9 of the Protocol)?

() Yes () No

and/or

- (f) Illicit brokering of firearms, their parts and components or ammunition and failure to provide required information about brokerage activities (see art. 15 of the Protocol)?

() Yes () No

and/or

- (g) Other?

() Yes () No

If the answer is “Yes”, please specify:

23. Does your country’s legislation establish as a criminal offence the attempt to commit the offences referred to in questions 7, 9, 11, 13, 15 and 17 above (art. 5, para. 2 (a), of the Protocol)?

() Yes () No

24. If the answer to question 23 is “No”, please explain.

25. Is participating as an accomplice in the offences referred to in questions 7, 9, 11, 13, 15 and 17 above criminalized under your domestic legislation (art. 5, para. 2 (a), of the Protocol)?

() Yes () No

26. If the answer to question 25 is “No”, please explain.

27. Are organizing, directing, aiding, abetting, facilitating or counselling the commission of the offences referred to in questions 7, 9, 11, 13, 15 and 17 above criminalized under your domestic legislation (art. 5, para. 2 (b), of the Protocol)?

() Yes () No

28. If the answer to question 27 is “No”, please explain.

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

II. International cooperation requirements under the Firearms Protocol

Section II of the questionnaire contains two general questions on the application of the relevant provisions of the United Nations Convention against Transnational Organized Crime on extradition and mutual legal assistance in cases covered by the Firearms Protocol. More specific issues related to the international cooperation requirements under the Protocol are addressed in section II of the questionnaire on the implementation of the Convention, which was 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.

States parties and signatories that have already responded to the questionnaire on the implementation of the Convention may wish to update, if necessary, the information contained in their replies and send that updated material together with their responses to the present questionnaire.

States parties that have not responded to the questionnaire on the implementation of the Convention are called upon to provide the relevant information together with their responses to the present questionnaire. Signatories that have not responded to the questionnaire on the implementation of the Convention are also encouraged to do likewise.

The Arabic/Chinese/English/French/Russian/Spanish versions of the questionnaire on the implementation of the Convention are available at the following electronic address:

http://www.unodc.org/unodc/en/organized_crime_untoc_2005_decisions.html#Decision%201/2

29. Is your country able to apply, *mutatis mutandis*, article 16 of the United Nations Convention against Transnational Organized Crime to the offences established in accordance with the Firearms Protocol (art. 1, para. 2, of the Protocol)?

() Yes () No

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

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

30. Is your country able to apply, *mutatis mutandis*, article 18 of the United Nations Convention against Transnational Organized Crime to the offences established in accordance with the Firearms Protocol (art. 1, para. 2, of the Protocol)?

() Yes () No

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

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

III. Difficulties encountered and assistance required

A. Difficulties encountered

31. If domestic legislation has not been adapted to the Firearms Protocol’s requirements on the issues dealt with in questions 1-30, what steps remain to be taken? (For example, is legislation being drafted? Has legislation been submitted for approval?) Please specify.

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

() Yes () No

33. If the answer to question 32 is “Yes”, please specify.

B. Need for technical assistance

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

() Yes () No

35. If the answer to question 34 is “Yes”, please specify.

C. Technical assistance provided

36. 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

37. If the answer to question 36 (b) is “Yes”, please specify which organizations.

38. If the answer to question 36 is “Yes”, please specify the types of technical assistance provided.

IV. Other information

39. 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 Firearms 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: _____

Deadline for submission of the questionnaire: 15 April 2006

Completed questionnaires should be sent to:

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

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