

General questions on trends and patterns – Trafficking and Smuggling

Quantitative questions

1. Which organisations are responsible for data collection? Is this done routinely?
2. Is data available on the number of **trafficked victims** identified and assisted by government authorities and civil society organizations? If so, please provide details in the following table.

Victims of trafficking identified in last three years	2013		2014		2015	
	National	Foreign	National	Foreign	National	Foreign
a. Presumed/probable victims - Total						
Presumed victims – adult female						
Presumed victims – adult male						
Presumed victims – child female (under 18)						
Presumed victims – child male (under 18)						
Not known						
b. Formally identified victims – total						
Formally identified victims – adult female						
Formally identified victims – adult male						
Formally identified victims – child female (under 18)						
Formally identified victims – child male (under 18)						
Not known						
c. Total victims (presumed and formally identified)						
Trafficking for labour exploitation						
Trafficking for sexual exploitation						
Trafficking for domestic servitude						
Trafficking for forced criminality						
Trafficking for organ removal						
Trafficking for other purposes [please specify]						
Trafficking for more than one purpose [please specify]						
Not available						
Source:						

3. What are the main nationalities for foreign victims of trafficking?
4. Is data available on the number of **smuggled migrants and other vulnerable migrants** identified and assisted by government authorities and civil society organizations? (Vulnerable migrants might include to children - particularly unaccompanied migrants, older persons like me, single parents, pregnant women, asylum seekers, persons with mental or physical disabilities, survivors of gender-based violence (GBV)). If so, please provide details in the following table.

Smuggled migrants and other vulnerable migrants identified in last three years	2013		2014		2015	
	Smuggled	Other vulnerable	Smuggled	Other vulnerable	Smuggled	Other vulnerable
Adult female						
Adult male						
Child female (under 18)						
Child male (under 18)						
Not known						
<i>Source:</i>						

5. Is data available on number of refugees or persons in the process of asylum seeking? If so, please provide details and source.
6. Is data available on victim/migrant satisfaction with services? If so, please provide details and source. (unlikely to be available).
7. Is data available on the number of TIP/SOM cases investigated and/or prosecuted? If so, please provide details in following table.

Investigations and Prosecutions for TIP and SOM	2013	2014	2015
<i>Trafficking in persons</i>			
Number of investigations initiated of trafficking in persons			
Number of prosecutions initiated for trafficking in persons			
Number of judicial proceedings completed for trafficking in persons			
Number of convictions obtained for trafficking in persons			
<i>Smuggling of migrants</i>			
Number of investigations initiated of smuggling of migrants			
Number of prosecutions initiated for smuggling of migrants			
Number of judicial proceedings completed for smuggling of migrants			
Number of convictions obtained for trafficking in persons			
<i>Source:</i>			

8. Are there records of how long convicted smugglers and traffickers stay in detention? If so, please provide details. (unlikely to be available).
9. Is data available on awareness among general population on risks of trafficking /migrant smuggling and how to avoid? If so, please provide details and source.
10. What major counter-trafficking and counter-smuggling initiatives are being implemented (or planned) in the country in relation to:

- Strengthening national plans, strategies and policies
- Strengthening legal frameworks on TIP and SOM
- Strengthening the criminal justice response to TIP and SOM
- Strengthening regional and trans-regional cooperation relating to TIP and SOM
- Assistance and support for trafficked persons, smuggled migrants and vulnerable migrants
- Strengthening frameworks for protection and assistance for children among trafficked victims and smuggled migrants

Please summarise the major activities (rather than objectives) using the table format in the report format.

Qualitative questions

11. What are the primary trafficking routes affecting the country? Please be as specific as possible in regards to:
 - Modes of patterns of recruitment – how people become victims of trafficking
 - Key industries/sectors for trafficking
 - Profile of victim
 - Profile of traffickers
 - Sources of information on each of these points¹
12. What are the primary smuggling routes affecting the country? Please be as specific as possible in regards to:
 - Modes of patterns of recruitment – how people become smuggled migrants
 - Types of exploitation present in the migration process, for example, extortion, debt bondage, reckless endangerment, use of migrants as “bait” to divert law enforcement resources
 - Profile of smuggled migrants
 - Profile of smugglers
 - Sources of information on each of these points
13. What factors place migrants at risk during migration processes?
14. Have any of these patterns of factors changed over time e.g. past 3-5 years – that is, routes, recruitment, industries, identity and operating modes of traffickers and smugglers? If so, how and why?
15. What, if anything, do stakeholders consider could be improved with respect to data collection and management?

¹ Note to consultants: Important to try to distinguish comments based on actual data from general stereotyping, particularly around profile of trafficked persons, smuggled migrants.

Project Objective 1

To assist beneficiary countries to develop and/or strengthen national strategies and policies to prevent and address human trafficking and migrant smuggling.

Quantitative questions

- 1.1. Does the country have a national plan of action or national strategy (NPOS) on trafficking in persons?
 - If not, is the country planning to develop an NPOS on trafficking in the near future? (please provide any details and then skip to 1.5)
- 1.2. In the consultant's judgment, does the NPOS include/provide a framework for measuring progress against trafficking in persons? Questions to consider:
 - Are there clear and relevant objectives?
 - Are there clear linkages between activities and objectives?
 - Are assumptions and risks articulated?
 - Are there clear, relevant and measurable indicators?
 - A monitoring and evaluation plan or component
- 1.3. Does the NPOS allocate a budget and responsibility for activities?
 - Is there a clear allocation of responsibility?
 - Is there a budget by activity?
 - Is there a budget in practice (i.e. does the government allocate funds for implementation)?
- 1.4. To what extent is the content and implementation of the NPOS informed by data? For example, is evidence provided for risk factors addressed by "prevention" programmes?
- 1.5. Is there, a national body responsible for coordinating all national actors and actions against TIP? If so, please specify:
 - Name
 - Administrative status
 - Composition and staffing
 - How often the body meets
 - Whether this body is specifically responsible for monitoring implementation of the NPOS – if not, does another body have this responsibility?
 - Whether it has its own budget for activities
 - Whether to what extent there is NGO involvement

 - If there is currently no such coordinating body, are there any plans to set one up in the near future? If so, please provide details.
- 1.6. Does the country have a national plan of action or national strategy (NPOS) on smuggling of migrants.
 - If not, is the country planning to develop an NPOS on trafficking in the near future (skip to 1.11)
- 1.7. In the consultant's judgment, does the NPOS include/provide a framework for measuring progress against smuggling of migrants? Questions to consider:

- Are there clear and relevant objectives?
- Are there clear linkages between activities and objectives?
- Are assumptions and risks articulated?
- Are there clear, relevant and measurable indicators?
- Is there a monitoring and evaluation plan or component?

1.8. Does the NPoS allocate a budget and responsibility for activities?

- Is there a clear allocation of responsibility?
- Is there a budget by activity?
- Is there a budget in practice (that is, does the government allocate funds for implementation)?

1.9. To what extent is the NPoS and its implementation informed by data?

1.10. Is there, a national body responsible for coordinating all national actors and actions against SOM? If so, please specify:

- Name
- Administrative status
- Composition and staffing
- How often the body meets
- Whether this body is specifically responsible for monitoring implementation of the NPoS — if not does another body have this responsibility?
- Whether it has its own budget for activities
- Whether and to what extent there is NGO involvement
- If there is currently no such coordinating body, are there any plans to set one up in the near future? If so, please provide details.

Qualitative questions

1.11. To what extent do stakeholders consider the NPoS to be an effective planning and monitoring tool for the country's TIP and SOM responses? Please provide elaborate.

- Is an NPoS an effective planning and monitoring tool for the country in other sectors? If so, under what circumstances?

1.12. What, if anything could be done to improve the effectiveness of national planning processes to respond to TIP and SOM? For example, development of M&E framework, better data on TIP and SOM patterns, prioritization of key activities, updating of content, development of annual implementation plans, supporting policies, budget allocation?

1.13. What other policies exist at national or provincial level relevant to combating trafficking in persons and/or smuggling of migrants? To what extent are these policies being implemented? Examples might include:

- Provincial/regional plans or strategies
- Labour migration management policies
- Sectoral or cross-cutting policies (such as human rights, gender, ethnic minority development)

- 1.14. What other policies at national or regional level relevant to TIP and SOM do stakeholders consider to be necessary?
- 1.15. What do stakeholders consider the priority needs in terms of strengthening coordination on TIP and SOM? For example, training, revision of membership, establishment of Secretariat or other coordinating Body, improved engagement of NGOs?

Project Objective 2

To assist beneficiary countries to bring national legal frameworks into line with international standards and other good practices.

Quantitative questions

2.1. Has the country signed and ratified/acceded to the following?

- United Nations Convention against Transnational Organized Crime (UNTOC), 2000
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UNTOC
- Protocol against the Smuggling of Migrants by Land, Sea or Air, supplementing the UNTOC
- Forced Labour Convention, ILO 29, 1930
- Protocol of 2014 to the Forced Labour Convention, 1930
- Abolition of Forced Labour Convention ILO 105, 1957
- Domestic Workers Convention ILO 189
- Worst Forms of Child Labour ILO 182
- UN Convention on the Rights of the Child
- CRC Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000
- CRC Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990
- United Nations Convention against Corruption, 2005
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956
- Slavery Convention, 1926
- The Convention relating to the Status of Refugees, (1951 Refugee convention)
- United Nations Convention on the Law of the Sea, 1994

2.2. Does the country have a single comprehensive law against trafficking in persons or specific provisions included in other laws? If not, is one under preparation or discussion?

2.3. Is the crime of trafficking specifically criminalized in line with the TIP Protocol definition? Specifically, does it:

- cover all potential victims regardless of sex, age, nationality or legal status?
- cover both internal and international trafficking?
- comprise three elements: action, means and purpose with means not being required for those under 18 years of age?
- cover all potential perpetrators, whether or not part of organized criminal groups, and including legal persons?

2.4. What other provisions of the Criminal Code are used to prosecute trafficking in persons cases?

2.5. Are the following offences criminalized within the national penal code:

- Slavery and servitude

- Forced labour
 - Exploitative labour
 - Child labour
 - Commercial sexual exploitation of children
 - Debt bondage
 - Forced marriage
 - Sexual exploitation including the exploitation of the prostitution of others
 - Forced begging
 - Forced criminality
 - Child marriage
 - Unlawful disclosure of the identity of a victim or witness
 - Active and passive bribery, complicity in bribery offences, and other forms of corruption
- 2.6. Does the State have a single comprehensive law against smuggling of migrants or specific provisions included in other laws? If not, is a new law or new provisions under preparation or discussion?
- 2.7. Is the crime of migrant smuggling specifically criminalized in line with the SOM Protocol definition? If so, are there laws that:
- Include a definition of smuggling of migrants consistent with the Protocol
 - Include “financial and material benefit” as an element of this definition
 - Cover all persons, whether or not part of organized criminal groups, and including legal persons
 - Define “illegal entry” and “illegal stay”
 - Criminalize the production, procuring, providing or possessing of a fraudulent travel or identity document for the purpose of enabling the smuggling of migrants (and to obtain a financial or other material benefit)
 - Criminalize enabling the irregular stay or residence of smuggled migrants to obtain a financial or other material benefit
 - Criminalize the attempt to smuggle migrants
 - Criminalize the engagement of irregular migrant labour
- 2.8. What, if any, additional aggravating circumstances for smuggling are recognized under domestic law? For example:
- Circumstances that endanger, or are likely to endanger, the lives or safety of smuggled migrants
 - Circumstances that entail the inhuman or degrading treatment or the exploitation of smuggled migrants?
- 2.9. Are trafficking and smuggling included as predicate offences in laws related to organised crime and money laundering?
- 2.10. Does the legal framework enable the tracing, seizure and confiscation of proceeds of trafficking-and smuggling related crimes?

(Note: Questions on the legal framework relating to international cooperation are included under Objective 5).

Qualitative questions

- 2.11. To what extent stakeholders consider the current legal framework to provide a sufficient basis for identifying and supporting trafficked persons? What gaps exist?
- 2.12. To what extent do stakeholders consider the current legal framework to provide a sufficient basis for (1) the investigation and prosecution of traffickers and trafficking networks and (2) providing dissuasive financial and custodial sanctions? What gaps exist?
- 2.13. To what extent do stakeholders consider the current legal framework to provide a sufficient basis for identifying and supporting smuggled migrants and other vulnerable migrants? What gaps exist?
- 2.14. To what extent do stakeholders consider the current legal framework to provide a sufficient basis for (1) the investigation and prosecution of smugglers and smuggling networks and (2) providing dissuasive financial and custodial sanctions? What gaps exist?
- 2.15. What do stakeholders consider as priority needs in relation to strengthening the legal frame on TIP and SOM? Possible areas may include financial instruments, victim/migrant support provisions, provisions for internal and international cooperation.

Project Objective 3

To assist beneficiary countries to strengthen their criminal justice response to trafficking in persons and migrant smuggling.

Quantitative questions

- 3.1. Who are the actors in the country's criminal justice response to trafficking in persons and smuggling of migrants? Border police, frontline police, specialist police, prosecutors, investigating judges, judges, etc.?
- 3.2. To what extent are women represented in the criminal justice response? At what levels? (unlikely to be available)
- 3.3. Are there official training academies? If so, which of the groups in 3.1 do they cover?
- 3.4. Are there training curriculums and/or manuals on TIP and SOM and are these materials integrated into the relevant curricula of training academies?
- 3.5. Do these materials include modules/sessions focusing on protection and assistance to victims of trafficking in persons and smuggled migrants?
 - If so, please obtain copies of these materials if possible.
- 3.6. What other TIP and SOM related training is provided to each of the criminal justice groups in 3.1 and by whom? If the country maintains records of TIP and SOM trainings, please include if possible.
- 3.7. How is this training provided?
 - On entry (e.g. through an academy)
 - Formal in-service training programme
 - On-the-job mentoring
 - Computer-based training
 - One-off training activities
 - Specialist case advice for prosecutors, judges and judicial officers who come across cases of trafficking in persons and migrant smuggling
- 3.8. Does the country have a specialist response to TIP and SOM? This might include:
 - Specialist investigating unit
 - Special court or chambers
 - Specially trained judges
 - Specially trained prosecutors
- 3.9. Are there Standard Operating Procedures for the criminal justice system relating to TIP and SOM?
 - If so, please obtain copies if possible.
- 3.10. Are there any complaint mechanisms available to assist with ensuring the transparency and accountability of court proceedings? Please provide details.

Qualitative questions

- 3.11. To what extent do stakeholders consider that the country has the basic foundations in place to support an effective criminal justice response? For example, does the country have formal and functioning policies for recruitment, promotion and rotation of criminal justice officials (police, border guards, judiciary, etc.)? Has the country shown the ability to effectively investigate and fairly prosecute other crime types?
- 3.12. What barriers exist to the implementation of training provided to criminal justice actors in protecting victims and smuggled migrants? Turnover, resources, political will, problems elsewhere in the criminal justice system, etc.?
- 3.13. What barriers exist to the implementation of training provided to criminal justice actors in investigating and fairly prosecuting perpetrators? Turnover, resources, political will, problems elsewhere in the criminal justice system, etc.?
- 3.14. What do stakeholders consider as priority needs in relation to strengthening the criminal justice system's capacity to secure justice for trafficked persons and protect trafficked persons and smuggled migrants?
- 3.15. What do stakeholders consider as priority needs for strengthening the criminal justice system's capacity to investigate and fairly prosecute TIP and SOM cases?

[Note: Please feel free to combine some of these questions, if you prefer.]

Project Objective 4

To assist beneficiary countries to strengthen international cooperation in criminal matters relating to trafficking in persons and migrant smuggling.

Quantitative questions

- 4.1. Does the national legal framework enable mutual legal assistance in trafficking and smuggling cases?
- 4.2. Does the national legal framework allow mutual legal assistance in support of the following actions with respect to trafficking and smuggling-related proceeds: (1) tracing and identification; (2) freezing and seizing; (3) confiscation of proceeds; (4) repatriation?
- 4.3. Are trafficking and smuggling related offences treated as extraditable offences under relevant treaties and domestic laws?
- 4.4. Does the legal and procedural framework permit and facilitate the conduct of joint investigations between national police forces on trafficking and smuggling?
- 4.5. Is the Central Authority mandated to carry out international cooperation activities against trafficking in persons and smuggling of migrants?
- 4.6. With which other countries does the country share trafficking or smuggling routes (see overview)? With which of these countries does the government have cooperation agreements?
 - If possible, please obtain details of these agreements.
- 4.7. How many times in the past three years has the country initiated or responded to requests for intelligence sharing, mutual legal assistance and/or extradition on TIP/SOM cases? With which countries?
- 4.8. Have direct and secure communications been established between the Central Authority and the Central Authority of other States sharing one of more trafficking or smuggling patterns?
- 4.9. Are there specially designated prosecutors, Central Authority lawyers and other officials for international cooperation?
 - If so, how frequently do they meet internally?
 - How frequently do they meet relevant international counterparts on a bilateral, regional and multilateral level?
- 4.10. Have the country's law enforcement authorities carried out joint actions, on a bilateral and/or a multilateral basis, with law enforcement authorities from other countries to fight TIP and/or SOM?
 - If yes, please provide details.
 - If no, are there examples of such cooperation in response to other crime types?

Qualitative questions

- 4.11. To what extent do stakeholders consider that the country has the basic foundations in place to support effective international cooperation on TIP and SOM? What gaps exist?
- 4.12. What do stakeholders consider to be the main challenges in terms of international criminal justice cooperation on investigating and prosecuting SOM and TIP cases? Legal? Capacity? Technical? Political will? Resources?
- 4.13. What do stakeholders consider to be the main challenges in terms of international cooperation on protecting trafficked persons and smuggled migrants? SOM and TIP? Legal? Capacity? Technical? Political will?
- 4.14. What do stakeholders consider as priority needs in relation to strengthening international cooperation on investigating and prosecuting SOM and TIP cases?
- 4.15. What do stakeholders consider as priority needs in relation to strengthening international cooperation on protecting trafficked persons and smuggled migrants?

Project Objective 5

To assist beneficiary countries to develop assistance and support programmes for victims of trafficking and protect the rights of vulnerable migrants, such as smuggled migrants.

Quantitative questions

- 5.1. Does the legal framework specifically cover protection and support for victims of trafficking in persons?
- 5.2. Are there any common criteria or guidelines for granting the legal status of victim of TIP? If so, please provide details
- 5.3. Which organizations have the authority to officially designate a person as a victim of trafficking?
- 5.4. Is there provision for assistance to those who are “presumed” to be victims but have not been identified through an official process?
- 5.5. Which of the following services are available to victims of trafficking *in principle* - meaning based on laws/policies/procedures?
 - Accommodation
 - Medical and psychological assistance
 - Legal support (For example, to regularize status, obtain residence or work permit, or obtain documentation for stateless persons)
 - Assistance from a fully trained and vetted interpreter
 - Compensation
 - Legal assistance to obtain compensation
 - Education
 - Training (vocational and business)
 - Job placement
 - Return assistance
 - (Re) integration assistance
 - Monitoring of reintegration
 - Individual risk and security assessment prior to return
 - Individual risk and security assessment prior to possible family reunification
 - Reflection period
 - Temporary stay permits
 - Residence permits
 - Work permits
 - Witness protection
 - Alternatives to testifying face-to-face with accused traffickers or smugglers
- 5.6. Is support available to all trafficked persons, irrespective of age, sex, nationality, type of trafficking, willingness to cooperate with the criminal justice system?
- 5.7. Does the law recognize that victims of trafficking should not be treated as criminals for conduct that occurred while under control of criminals?
- 5.8. What kinds of national referral mechanisms exist for identifying, referring and supporting trafficked persons and exploited migrants? Is there:

- An official procedure, agreement, MOU establishing them?
 - A formal cooperation agreements between law enforcement agencies and non-governmental service providers enabling persons presumed to have been trafficked to access protection and support structures?
- 5.9. Does the legal framework specifically cover protection and assistance for smuggled migrants? Details might include:
- Urgent medical care
 - Protection from violence and other forms of threats and retaliation
 - Food and accommodation
 - Medical care
 - Legal assistance
 - Opportunity to communicate with relatives, when appropriate
 - Information about their rights
 - Access to consular services
- 5.10. What agencies are responsible for providing support to victims of trafficking? How are they funded? How are they monitored/regulated?

Qualitative questions

- 5.11. What do stakeholders think are some of the primary obstacles and barriers to developing more effective ways to identify and refer people who have experienced trafficking or other exploited or vulnerable migrants? Issues to consider might include:
- What are some common ways that people are identified and are these adequate?
 - What avenues exist for victims to “self-identify” (e.g. hotlines, posters or other advertisements identifying organizations to contact)?
 - Do non-governmental organizations (NGOs) or other civil society organizations (CSOs) have access to state facilities (including, for example, social service and immigration reception centres, prisons and detention facilities) and assist with the timely identification of victims of trafficking and asylum seekers? In particular, does the Office of the United Nations High Commissioner for Refugees have access to smuggled migrants who are asylum seekers and to other persons of concern to the Office?
- 5.12. To what extent do stakeholders consider that the country has the basic foundations in place for an effective system of support for victims of trafficking and smuggled migrants, including with respect to referral?
- 5.13. What barriers exist to the implementation of an effective system of support for victims of trafficking and smuggled migrants, including with respect to referral? This might include detention in shelters or detention facilities, mandatory return, lack of reintegration assistance, lack of legal recourse, inappropriate or ineffective services such as vocational training that does not lead to sustainable employment.
- 5.14. What barriers exist to successful reintegration of trafficked persons? Community attitudes? Support timeframes? Lack of opportunity?

5.15. What do stakeholders consider as priority needs in relation to developing and strengthening assistance and support programmes for victims of trafficking and protect the rights of vulnerable migrants, such as smuggled migrants?

Project Objective 6

To assist beneficiary countries to develop frameworks for protection and assistance of children among trafficked victims and smuggled migrants within child protection systems.

Quantitative questions

- 6.1. Is there specific legal or policy provisions regulating assistance and support to child victims of trafficking? If yes, are there specific protection and assistance measures for girls?
- 6.2. Are there specific legal or policy provisions regulating assistance and support to unaccompanied minors? Smuggled children? If yes, are there specific protection and assistance measures for girls?
- 6.3. Are there national provisions regulating immigration detention and alternatives to detention for children?
- 6.4. Is there a prohibition on child (and family) immigration detention in law, consistent with the existing obligations of the country under the UN Convention on the Rights of the Child (CRC)?
- 6.5. Are there institutions responsible for taking the lead in combating trafficking in children and unaccompanied minors? If so, please provide details.
- 6.6. What methods are used to verify the age of a presumed victim of trafficking or a smuggled person where the age is uncertain and there are reasons to believe that the person is a child? Would such a person be presumed to be a child until the age verification is completed?
- 6.7. Does the country make a distinction between smuggling of children and trafficking of children? Are smuggled children treated as victims of trafficking? If so, does this reflect a perceived lack of an alternative framework for assisting smuggled children?
- 6.8. Which of the following services are available to child victims of trafficking in principle, that is based on laws/policies/procedures?
 - Appointment a legal guardian, organisation or authority which shall act in the best interest of the child
 - Location of the child's family
 - Ensuring that the identity or details allowing identification of a child victim of trafficking are not made publicly known through the media or by other means
 - Access to appropriate and secure accommodation, education and health care
 - Residence permits for child victims of trafficking
 - Counselling and information in a language that the child can understand
 - Legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation
 - Best interests determination
 - Process to ensure the child's right to be heard
 - Risk assessment prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child.

- 6.9. Which of the following services are available in principle to unaccompanied minors not identified as victims of trafficking, including children who are the object of smuggling?
- Appointment a legal guardian, organisation or authority which shall act in the best interest of the child
 - Location of the child's family
 - Ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means
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- Access to appropriate and secure accommodation, education and health care
 - Residence permits for child victims of trafficking
 - Counselling and information in a language that the child can understand
 - Best interests determination
 - Process to ensure the child's right to be heard
 - Risk assessment prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child.
- 6.10. What solutions are available if the reintegration of the child into his/her family is not in the child's best interests? (For example, alternative family care, group homes, shelters).

Qualitative questions

- 6.11. What do stakeholders think are some of the primary obstacles and barriers to developing more effective ways to identify and trafficked children and unaccompanied minors?
- 6.12. To what extent do stakeholders consider that the country has the basic foundations in place for effective child protection systems for all children? What gaps exist? This might include issues around birth registration and access to education and health services.
- 6.13. To what extent do stakeholders consider that the country has the basic foundations in place for effective child protection systems for trafficked children, unaccompanied minors and other vulnerable migrant children? What gaps exist?
- 6.14. What barriers exist to the implementation of an effective system of support for trafficked children, unaccompanied minors and other vulnerable migrant children? This might include detention in shelters or detention facilities, mandatory return, lack of reintegration assistance, lack of legal recourse.²
- 6.15. What do stakeholders consider as priority needs in relation to strengthening and developing for protection and assistance of children among trafficked victims and smuggled migrants within child protection systems?

[Note: Please feel free to combine some of these questions if you prefer]

² It might also include discrimination against children based on whether or not they are categorised as a victim of trafficking (that is, making child access to their rights as children under the CRC contingent on being identified as trafficked)

GLO-ACT Needs Assessment

Additional Questions on Legal Framework

V1

1. In what domestic law or laws has the United Nations Convention against Transnational Organized Crime been implemented?
2. Is there a single law on organized crime or are there multiple legislative instruments?
3. Does national law criminalize participation in an organized criminal group? How is organized crime/organized criminal group defined in your country?
4. Does the national law (or laws) relating to organized crime pre-date the ratification of the Convention or has it been enacted or amended since the country became a State party?
5. Does the country exercise jurisdiction over trafficking-related offences committed by and against its nationals abroad?
6. Does the law (s) relating to trafficking contain reference to the following agencies? If not, are these agencies regulated under other parts of the legal framework (criminal or administrative)?
 - Labour recruitment agencies
 - Marriage brokers
 - Tourist agencies
 - Foreign education agencies
7. Does the country's legal framework recognize the non-refoulement principle?
8. Does national law ensure that the fact of having been smuggled cannot jeopardize a person's asylum claim?
9. Are there national provisions regulating immigration detention? Are all irregular migrants detained? Are there alternatives to detention?
10. Do the legislative provisions ensure that smuggled migrants are not liable to criminal prosecution for having been the object of smuggling?
11. Is there a statute of limitations on trafficking and smuggling crimes?
12. What sanctions does the law foresee for TIP and SOM?
13. What are aggravating circumstances and what are the sanctions for these?
14. Is smuggling considered a criminal or an administrative offence?
15. Does the law provide for mitigated sentences/immunity from prosecution for persons who cooperate with authorities?
16. Are irregular migrants criminalized for illegal entry/residence?