

**INTERNATIONAL ASSOCIATION OF JUDGES
THIRD STUDY COMMISSION
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Human Trafficking - Questionnaire

Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination for victims. In 2000, the United Nations General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the “Palermo Protocol”). Its definition of human trafficking contains three elements:

1. The Act: the recruitment, transportation, transfer, harbouring or receipt of persons;
2. The Means: by threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or by giving payment or benefits to a person in control of the victim;
3. The Purpose: to exploit the prostitution of others or other forms of sexual exploitation, forced labour, slavery or similar practices, servitude or the removal of organs.

Over 110 States have signed and ratified the Palermo Protocol, however, the United Nations Office on Drugs and Crime recently reported that “[v]ery few criminals are convicted and most victims are probably never identified or assisted”.

In 2002, the U.N. based Office of the High Commissioner for Human Rights noted the need to harmonize legal definitions, procedures and cooperation at the national and regional levels consistent with international instruments like the Palermo Protocol. The purpose of this questionnaire is to explore the extent to which member countries have implemented domestic anti-trafficking legislation and whether that legislation is effective in addressing these concerns.

Question 1: Has your country signed and ratified the Palermo Protocol? If yes, on what date?

Question 2: Does your country have special legislation for the criminal prosecution of human trafficking? If yes, please answer Questions 3 to 10. If no, is there any such legislation presently under consideration?

Question 3: How is human trafficking defined in your country’s legislation?

Question 4: Does the legislation criminalize:

- a) Attempts to commit a trafficking offence?
- b) Participation as an accomplice or party in a trafficking offence?
- c) Organizing or directing others to commit a trafficking offence?

Question 5: Can corporations be charged with human trafficking along with natural persons (*ie.* employment agencies, travel agencies, escort services)?

Question 6: Does the legislation contain special provisions regarding the trafficking in children?

If yes, please describe.

Question 7: What are the penalties for human trafficking offences? Do they include deportation/extradition? Do they include confiscation of instruments of trafficking and proceeds of trafficking?

Question 8: Are there statistics available on the number of prosecutions and rates of conviction in your country for human trafficking offences since its antitrafficking legislation was adopted? If yes, please provide.

Question 9: To what extent does your country permit (through legislation or protocols) the pursuit of anti-trafficking investigations in cooperation with foreign intelligence or police services?

Question 10: Are there provisions protecting trafficked persons from being prosecuted or punished for their illegal entry or residence in your country as a result of having been the victims of human trafficking? Are there provisions preventing their deportation where there are grounds to believe that their return to their country of origin presents a significant security risk to them or their family members?

Thank-you for responding. The responses will be tabulated and discussed at the next meeting of the Third Study Commission in Senegal.