

**1994/14. Criminal justice action to combat the organized smuggling of illegal migrants across national boundaries**

*The Economic and Social Council,*

*Noting* that the General Assembly, in its resolution 48/102 of 20 December 1993, requested the Commission on Crime Prevention and Criminal Justice at its third session, to be held in 1994, to consider giving special attention to the question of the smuggling of aliens in order to encourage international cooperation to address that problem within the framework of its mandate,

*Concerned* about the increasing activities of transnational criminal organizations that profit illicitly by smuggling humans and preying on the dignity and lives of migrants,

*Concentrating its attention* on crime prevention and criminal justice, in particular the activities of those who organize and facilitate the smuggling of illegal migrants,

*Recognizing* that organized international criminal groups are becoming increasingly active in smuggling individuals across national boundaries and that they often convince individuals to migrate illegally by various means for enormous profits that are frequently used to finance numerous other criminal activities, thus bringing great harm to the States concerned,

*Aware* that such activities endanger the lives of the individual migrants involved and entail severe costs for the international community, particularly for those States that have been called upon to rescue and to provide medical care, food, housing and transportation for such individuals,

*Acknowledging* that socio-economic factors influence the problem of illegal migrant smuggling and also contribute to the complexity of present international migration,

*Noting* that smugglers, particularly in the State of destination of the illegal migrants being smuggled, often force migrants into forms of debt bondage or servitude, commonly involving criminal activities, in order to pay for their passage,

*Convinced* of the need to provide humane treatment and to protect fully the human rights of migrants,

*Recognizing* that such illegal smuggling activity has high social and economic costs, may contribute to official corruption, and burdens law enforcement agencies in all States where illegal migrants transit or are found,

*Recalling* the undertaking of States parties to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, done at Geneva on 7 September 1956,<sup>32</sup> to take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the

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<sup>32</sup> United Nations, *Treaty Series*, vol. 266, No. 3822.

complete abolition or abandonment of the practice of debt bondage,

*Reaffirming* respect for the sovereignty and territorial integrity of all States, including their right to control immigration flows,

*Concerned* that the smuggling of illegal migrants undermines public confidence in policies and procedures for lawful immigration and for ensuring the protection of genuine refugees,

*Noting* that the smuggling of illegal migrants can involve criminal elements in many States, including the State or States where the smuggling scheme was planned, the State of nationality of the aliens, the State where the means of transport was prepared, the flag State of any vessels or aircraft that transport the aliens, States through which the aliens transit to their destination or in order to be repatriated, and the State of destination,

*Noting* that some States have enacted effective domestic legislation permitting seizure and forfeiture of all property, both real and personal, that is knowingly used in organized crime activities to smuggle illegal migrants, as well as all property, both real and personal, that constitutes, or is derived from, the proceeds of the smuggling, illegal transport or harbouring of illegal migrants,

1. *Condemns* the practice of smuggling illegal migrants in violation of international standards and national law, and without regard for the safety, well-being and human rights of the migrants;

2. *Recognizes* that the smuggling of illegal migrants is a widespread international criminal activity frequently involving highly organized international syndicates that traffic in human cargo, without regard for the dangerous and inhumane conditions to which illegal migrants are subjected, and in flagrant violation of domestic laws and international standards;

3. *Acknowledges* the substantial role played by organized transnational crime in illegal migrant smuggling activities in many parts of the world;

4. *Requests* States to share information, coordinate law enforcement activities and otherwise, if their law permits, cooperate in order to trace and arrest those who organize the smuggling of illegal migrants and to prevent the illegal transport by smugglers of third-country nationals through their territory;

5. *Calls upon* Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the organized smuggling of illegal migrants;

6. *Reaffirms* the need to observe fully international and national law in dealing with the smuggling of illegal migrants, including the provision of humane treatment and strict observance of all human rights of migrants;

7. *Emphasizes* that international efforts to prevent the smuggling of illegal migrants should not inhibit legal migration or freedom of travel, or undercut the protection provided by international law to refugees;

8. *Urges* States to take prompt and effective steps to frustrate the objectives and activities of those who organize the smuggling of illegal migrants, thus protecting would-be migrants from exploitation and loss of life;

9. *Calls upon* all States to take effective and expeditious measures, such as the enactment or amendment, if necessary, of domestic criminal law, providing appropriate penalties to combat all aspects of organized crime activities constituting the smuggling of illegal migrants, including all elements of the organization of smuggling and transport of illegal migrants, such as the production or distribution of false travel documents, money-laundering, systematic extortion and misuse of international commercial aviation and maritime transport, in violation of international standards;

10. *Encourages* Member States and relevant specialized agencies and intergovernmental organizations to respond promptly to the invitation of the General Assembly, contained in its resolution 48/102, to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens, in sufficient time for their contributions to be included in his report to the General Assembly at its forty-ninth session;

11. *Decides* that the ever-growing problem of organized smuggling of illegal migrants requires the continuing scrutiny of the international community in general and should be considered by the Commission on Crime Prevention and Criminal Justice at its fourth session in the context of the broader problem of organized transnational crime.

43rd plenary meeting  
25 July 1994