

**Decision 2/4**

**Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime**

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

(a) Reiterated its decision 1/6, by which it had requested States parties to respond promptly to the questionnaire circulated by the secretariat on the issues identified in that decision and had invited signatories to provide the information requested by the secretariat on those issues;

(b) Noted with concern that the analytical report prepared by the secretariat<sup>1</sup> was based on the responses of only 45 per cent of States parties to the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime;<sup>2</sup>

(c) Urged those States parties which had not yet done so to submit their responses to the questionnaire to the secretariat not later than 31 March 2006;

(d) Invited signatories that had not yet done so also to provide the information requested by the secretariat;

(e) Called upon States parties and signatories to review the analytical report prepared by the secretariat for the second session of the Conference of the Parties and to be guided by it in preparing their responses;

(f) Noted with concern that a number of States parties had not complied with their obligations under the Protocol;

(g) Urged those States parties which had not complied with their obligations under the Protocol to rectify that situation as soon as possible and to provide information on the measures taken to do so to the secretariat for submission to the Conference of the Parties at its third session;

(h) Called upon States parties and signatories that encountered difficulties in providing the information requested by the secretariat in accordance with decision 1/6 and the present decision or in complying with their obligations under the Protocol to seek the assistance of the secretariat in that regard;

(i) Requested the secretariat to provide such assistance subject to the availability of extrabudgetary resources;

(j) Urged States parties to review whether they had fulfilled the reporting obligations referred to in article 8, paragraph 6, of the Protocol;

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<sup>1</sup> CTOC/COP/2005/3.

<sup>2</sup> General Assembly resolution 55/25, annex III.

(k) Requested States parties that had already responded to the questionnaire circulated by the secretariat in accordance with decision 1/6 to update such information or legislation as appropriate;

(l) Requested the secretariat to submit an analytical report to include information received pursuant to the present decision, ensuring that it contained sufficient detail to permit the Conference of the Parties to review the implementation of the Protocol and the present decision, to the Conference of the Parties at its third session;

(m) Also requested the secretariat to submit to the Conference of the Parties at its third session new or updated information received pursuant to subparagraphs (g) and (k) above;

(n) Decided that the programme of work under this item for its third session will be as follows:

(i) Consideration of matters related to protection and assistance measures for smuggled migrants (article 16);

(ii) Consideration of matters related to return of smuggled migrants (article 18);

(iii) Consideration of matters related to border measures (article 11), security and control of documents (article 12) and legitimacy and validity of documents (article 13);

(o) Requested the secretariat to collect information from States parties and signatories to the Protocol, in the context of the above programme of work, using for that purpose a questionnaire to be developed in accordance with guidance provided by the Conference of the Parties at its second session;

(p) Urged States parties to respond promptly to the questionnaire circulated by the secretariat;

(q) Invited signatories to provide the information requested by the secretariat;

(r) Requested the secretariat to submit an analytical report based on the responses to the questionnaire to the Conference of the Parties at its third session.