

Decision 4/5

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, recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,¹ reminding States parties of all their obligations under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,² recalling its decision 3/3 and taking note of the growing complexity of the issue of the smuggling of migrants:

(a) Welcomed the results of the consultations of Government experts held during its fourth session;

(b) Urged Member States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and, in particular, the Migrants Protocol;

(c) Welcomed the fact that the majority of the States parties that had provided information on national implementation to the Secretariat had adopted legislative and institutional frameworks to ensure the implementation of the Migrants Protocol;

(d) Requested the Secretariat, in consultation with States parties, to develop, if necessary, tools to improve the cooperation between law enforcement agencies, inter alia, in the area of communication and data collection and analysis;

(e) Requested the Secretariat to make available to Member States information on successful practices and measures with the aim of facilitating the participation of witnesses in the criminal justice system;

(f) Took note with appreciation of the information-gathering tool developed by the United Nations Office on Drugs and Crime;

(g) Requested the Secretariat to report to it, at its fifth session, on the activities of the Secretariat, including participation in international and regional organizations, to promote and support the implementation of the Migrants Protocol;

(h) Decided to hold open-ended intergovernmental expert consultations during its fifth session, in order to exchange, inter alia, experience and practices on the implementation of the Migrants Protocol;

¹ Ibid., vol. 2225, No. 39574.

² Ibid., vol. 2241, No. 39574.

(i) Urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Migrants Protocol;

(j) With reference to the report of the Secretariat to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:³

(i) Welcomed the steps being taken to develop a model law against the smuggling of migrants in order to assist States in drafting or amending national legislation in compliance with the Migrants Protocol;

(ii) Welcomed also the efforts undertaken to provide guidance and information on best practices in the areas of training and capacity-building, as well as awareness-raising strategies to prevent and combat the smuggling of migrants;

(k) Requested the Secretariat to keep the States parties informed on the above-mentioned matters.

³ CTOC/COP/2008/8.