

**Protocol against the Smuggling of Migrants by Land, Sea and Air,
supplementing the United Nations Convention against Transnational
Organized Crime
(New York, 15 November 2000)**

OBJECTIVES

The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (the Protocol) aims at preventing and combating smuggling, promoting cooperation among Parties and protecting the rights of smuggled migrants. As in the United Nations Convention against Transnational Organized Crime, 2000 (the Convention), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Protocol on Trafficking in Persons), many provisions are intended to ensure that the approaches taken by Member States under their domestic legislative and law-enforcement regimes are as coordinated as possible to make collective international measures both efficient and effective.

KEY PROVISIONS

As is the case with the Protocol on Trafficking in Persons, provisions of the Convention apply *mutatis mutandis* to this Protocol unless otherwise stated in the Protocol.

The Protocol applies to the prevention, investigation and prosecution of the smuggling of migrants as well as to the protection of the rights of persons who have been the object of such offences. Parties to the Protocol are required to criminalize the smuggling of migrants and other forms of activity that support such smuggling. The Protocol specifies that migrants should not become liable for having been smuggled.

Specific provisions for smuggling by sea are included because of the seriousness and volume of the problem. Under one such provision, Parties are requested to cooperate to prevent smuggling of migrants by sea and to take necessary measures when it is suspected that a vessel is engaging in the smuggling of migrants. Parties may board and search vessels believed to be of their own registry.

Parties to the Protocol are also required to strengthen border measures and oblige commercial carriers of passengers to check the travel documents of those passengers.

Another important element of the Protocol is the Parties' cooperation in the field of public information. Parties are required to cooperate with each other to raise awareness of the dangers of smuggling to the migrants involved and to raise general awareness of the growing involvement of organized criminal groups.

The return of smuggled migrants to their countries of origin is foreseen. The State of origin is required to accept repatriation when the migrants in question have a right of residence in that State at the time of the return.

The conference of the Parties, which is established by the Convention, will have similar functions under the Protocol.

ENTRY INTO FORCE

The Protocol entered into force on 28 January 2004 (article 22)

HOW TO BECOME A PARTY

The Protocol is closed for signature. The Protocol is subject to ratification, acceptance or approval by Signatories. The Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party. In order to become a Party to the Protocol, a State or a regional economic integration organization must also be a Party to the Convention (article 21 of the Protocol and article 37 of the Convention).

OPTIONAL AND/OR MANDATORY DECLARATIONS AND NOTIFICATIONS

A regional economic integration organization shall declare the extent of its competence with respect to matters governed by the Protocol. Such organizations must also inform the depositary of any relevant modification in the extent of its competence (article 21).

RESERVATIONS

Pursuant to article 20 (3) States may declare that they do not consider themselves bound by article 20 (2), according to which disputes among Parties relating to the interpretation or application of the Protocol, which are not settled by negotiation, will be submitted to arbitration and, failing agreement on the organization of the arbitration six months after the date of the request for arbitration, to the International Court of Justice (article 20 (3)). The Protocol is otherwise silent with regard to reservations.

DENUNCIATION/WITHDRAWAL

A Party may denounce the Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. A regional economic integration organization shall cease to be a Party to the Protocol when all of its member States have denounced it (article 24). Denunciation of the Convention also entails the denunciation of the Protocol (article 40 (3) of the Convention).

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

New York, 15 November 2000

ENTRY INTO FORCE: 28 January 2004, in accordance with article 22 which reads as follows: "1. This Protocol will enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member states of such organization. 2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later."
28 January 2004, No. 39574.
Signatories: 112. Parties: 117.

REGISTRATION:
STATUS:
TEXT: Doc. A/55/383.

Note: The Protocol was adopted by resolution A/RES/55/25 of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations. In accordance with its article 21, the Protocol will be open for signature by all States and by regional economic integration organizations, provided that at least one Member State of such organization has signed the Protocol, from 12 to 15 December 2000 at the Palazzi di Giustizia in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

| <i>Participant</i> | <i>Signature</i> | <i>Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)</i> | <i>Participant</i> | <i>Signature</i> | <i>Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)</i> |
|---------------------------------|------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------|------------------|-----------------------------------------------------------------------------------------------|
| Albania | 12 Dec 2000 | 21 Aug 2002 | Cameroon | 13 Dec 2000 | 6 Feb 2006 |
| Algeria | 6 Jun 2001 | 9 Mar 2004 | Canada | 14 Dec 2000 | 13 May 2002 |
| Argentina | 12 Dec 2000 | 19 Nov 2002 | Cape Verde | 13 Dec 2000 | 15 Jul 2004 |
| Armenia | 15 Nov 2001 | 1 Jul 2003 | Central African Republic | | 6 Oct 2006 a |
| Australia | 21 Dec 2001 | 27 May 2004 | Chile | 8 Aug 2002 | 29 Nov 2004 |
| Austria | 12 Dec 2000 | 30 Nov 2007 | Congo | 14 Dec 2000 | |
| Azerbaijan | 12 Dec 2000 | 30 Oct 2003 | Costa Rica | 16 Mar 2001 | 7 Aug 2003 |
| Bahamas | 9 Apr 2001 | 26 Sep 2008 | Croatia | 12 Dec 2000 | 24 Jan 2003 |
| Bahrain | | 7 Jun 2004 a | Cyprus | 12 Dec 2000 | 6 Aug 2003 |
| Barbados | 26 Sep 2001 | | Czech Republic | 10 Dec 2002 | |
| Belarus | 14 Dec 2000 | 25 Jun 2003 | Democratic Republic of the Congo | | 28 Oct 2005 a |
| Belgium | 12 Dec 2000 | 11 Aug 2004 | Denmark ¹ | 12 Dec 2000 | 8 Dec 2006 |
| Belize | | 14 Sep 2006 a | Djibouti | | 20 Apr 2005 a |
| Benin | 17 May 2002 | 30 Aug 2004 | Dominican Republic | 15 Dec 2000 | 10 Dec 2007 |
| Bolivia | 12 Dec 2000 | | Ecuador | 13 Dec 2000 | 17 Sep 2002 |
| Bosnia and Herzegovina | 12 Dec 2000 | 24 Apr 2002 | Egypt | | 1 Mar 2005 a |
| Botswana | 10 Apr 2002 | 29 Aug 2002 | El Salvador | 15 Aug 2002 | 18 Mar 2004 |
| Brazil | 12 Dec 2000 | 29 Jan 2004 | Equatorial Guinea | 14 Dec 2000 | |
| Bulgaria | 13 Dec 2000 | 5 Dec 2001 | Estonia | 20 Sep 2002 | 12 May 2004 |
| Burkina Faso | 15 Dec 2000 | 15 May 2002 | European Community | 12 Dec 2000 | 6 Sep 2006 AA |
| Burundi | 14 Dec 2000 | | Finland | 12 Dec 2000 | 7 Sep 2006 A |
| Cambodia | 11 Nov 2001 | 12 Dec 2005 | | | |

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|---------------------------------------------|------------------|-----------------------------------------------------------------------------------------------|--------|----------------------------------------|------------------|-----------------------------------------------------------------------------------------------|--------|
| France..... | 12 Dec 2000 | 29 Oct | 2002 | Mexico..... | 13 Dec 2000 | 4 Mar | 2003 |
| Gambia..... | 14 Dec 2000 | 5 May | 2003 | Monaco..... | 13 Dec 2000 | 5 Jun | 2001 |
| Georgia..... | 13 Dec 2000 | 5 Sep | 2006 | Mongolia..... | | 27 Jun | 2008 a |
| Germany..... | 12 Dec 2000 | 14 Jun | 2006 | Montenegro ² | | 23 Oct | 2006 d |
| Greece..... | 13 Dec 2000 | | | Mozambique..... | 15 Dec 2000 | 20 Sep | 2006 |
| Grenada..... | | 21 May | 2004 a | Myanmar..... | | 30 Mar | 2004 a |
| Guatemala..... | | 1 Apr | 2004 a | Namibia..... | 13 Dec 2000 | 16 Aug | 2002 |
| Guinea..... | | 8 Jun | 2005 a | Nauru..... | 12 Nov 2001 | | |
| Guinea-Bissau..... | 14 Dec 2000 | | | Netherlands ³ | 12 Dec 2000 | 27 Jul | 2005 A |
| Guyana..... | | 16 Apr | 2008 a | New Zealand ⁴ | 14 Dec 2000 | 19 Jul | 2002 |
| Haiti..... | 13 Dec 2000 | | | Nicaragua..... | | 15 Feb | 2006 a |
| Honduras..... | | 18 Nov | 2008 a | Nigeria..... | 13 Dec 2000 | 27 Sep | 2001 |
| Hungary..... | 14 Dec 2000 | 22 Dec | 2006 | Norway..... | 13 Dec 2000 | 23 Sep | 2003 |
| Iceland..... | 13 Dec 2000 | | | Oman..... | | 13 May | 2005 a |
| India..... | 12 Dec 2002 | | | Panama..... | 13 Dec 2000 | 18 Aug | 2004 |
| Indonesia..... | 12 Dec 2000 | | | Paraguay..... | | 23 Sep | 2008 a |
| Ireland..... | 13 Dec 2000 | | | Peru..... | 14 Dec 2000 | 23 Jan | 2002 |
| Italy..... | 12 Dec 2000 | 2 Aug | 2006 | Philippines..... | 14 Dec 2000 | 28 May | 2002 |
| Jamaica..... | 13 Feb 2002 | 29 Sep | 2003 | Poland..... | 4 Oct 2001 | 26 Sep | 2003 |
| Japan..... | 9 Dec 2002 | | | Portugal..... | 12 Dec 2000 | 10 May | 2004 |
| Kazakhstan..... | | 31 Jul | 2008 a | Republic of Korea..... | 13 Dec 2000 | | |
| Kenya..... | | 5 Jan | 2005 a | Republic of Moldova..... | 14 Dec 2000 | 16 Sep | 2005 |
| Kiribati..... | | 15 Sep | 2005 a | Romania..... | 14 Dec 2000 | 4 Dec | 2002 |
| Kuwait..... | | 12 May | 2006 a | Russian Federation..... | 12 Dec 2000 | 26 May | 2004 |
| Kyrgyzstan..... | 13 Dec 2000 | 2 Oct | 2003 | Rwanda..... | 14 Dec 2000 | 4 Oct | 2006 |
| Lao People's Democratic Republic..... | | 26 Sep | 2003 a | San Marino..... | 14 Dec 2000 | | |
| Latvia..... | 10 Dec 2002 | 23 Apr | 2003 | Sao Tome and Principe.. | | 12 Apr | 2006 a |
| Lebanon..... | 26 Sep 2002 | 5 Oct | 2005 | Saudi Arabia..... | 10 Dec 2002 | 20 Jul | 2007 |
| Lesotho..... | 14 Dec 2000 | 24 Sep | 2004 | Senegal..... | 13 Dec 2000 | 27 Oct | 2003 |
| Liberia..... | | 22 Sep | 2004 a | Serbia..... | 12 Dec 2000 | 6 Sep | 2001 |
| Libyan Arab Jamahiriya..... | 13 Nov 2001 | 24 Sep | 2004 | Seychelles..... | 22 Jul 2002 | 22 Jun | 2004 |
| Liechtenstein..... | 14 Mar 2001 | 20 Feb | 2008 | Sierra Leone..... | 27 Nov 2001 | | |
| Lithuania..... | 25 Apr 2002 | 12 May | 2003 | Slovakia..... | 15 Nov 2001 | 21 Sep | 2004 |
| Luxembourg..... | 12 Dec 2000 | | | Slovenia..... | 15 Nov 2001 | 21 May | 2004 |
| Madagascar..... | 14 Dec 2000 | 15 Sep | 2005 | South Africa..... | 14 Dec 2000 | 20 Feb | 2004 |
| Malawi..... | | 17 Mar | 2005 a | Spain..... | 13 Dec 2000 | 1 Mar | 2002 |
| Mali..... | 15 Dec 2000 | 12 Apr | 2002 | Sri Lanka..... | 13 Dec 2000 | | |
| Malta..... | 14 Dec 2000 | 24 Sep | 2003 | St. Kitts and Nevis..... | | 21 May | 2004 a |
| Mauritania..... | | 22 Jul | 2005 a | St. Vincent and the Grenadines..... | 20 Nov 2002 | | |
| Mauritius..... | | 24 Sep | 2003 a | Suriname..... | | 25 May | 2007 a |
| | | | | Swaziland..... | 8 Jan 2001 | | |
| | | | | Sweden..... | 12 Dec 2000 | 6 Sep | 2006 |

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|-------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------|
| Switzerland..... | 2 Apr 2002 | 27 Oct 2006 | Ukraine..... | 15 Nov 2001 | 21 May 2004 |
| Syrian Arab Republic | 13 Dec 2000 | | United Kingdom of Great Britain and Northern Ireland | 14 Dec 2000 | 9 Feb 2006 |
| Tajikistan..... | | 8 Jul 2002 a | United Republic of Tanzania | 13 Dec 2000 | 24 May 2006 |
| Thailand..... | 18 Dec 2001 | | United States of America | 13 Dec 2000 | 3 Nov 2005 |
| The former Yugoslav Republic of Macedonia | 12 Dec 2000 | 12 Jan 2005 | Uruguay..... | 13 Dec 2000 | 4 Mar 2005 |
| Togo | 12 Dec 2000 | | Uzbekistan..... | 28 Jun 2001 | |
| Trinidad and Tobago | 26 Sep 2001 | 6 Nov 2007 | Venezuela (Bolivarian Republic of)..... | 14 Dec 2000 | 19 Apr 2005 |
| Tunisia..... | 13 Dec 2000 | 14 Jul 2003 | Zambia..... | | 24 Apr 2005 a |
| Turkey | 13 Dec 2000 | 25 Mar 2003 | | | |
| Turkmenistan..... | | 28 Mar 2005 a | | | |
| Uganda | 12 Dec 2000 | | | | |