



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

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Item 2 (c) of the provisional agenda*

**Review of the implementation of the United Nations
Convention against Transnational Organized Crime and
the Protocols thereto: expert consultation on the Protocol
against the Smuggling of Migrants by Land, Sea and Air**

United States of America: draft decision

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,² supplementing the United Nations Convention against Transnational
Organized Crime, and recalling its decision 4/5,

1. *Urges* Member States that have not yet done so to consider ratifying or
acceding to the Organized Crime Convention and, in particular, to the Smuggling of
Migrants Protocol;
2. *Welcomes* the results of the consultations held by Government experts
during the Conference's fifth session;
3. *Also welcomes* the recent publication of the *Model Law against the
Smuggling of Migrants* and the *Basic Training Manual on Investigating and
Prosecuting the Smuggling of Migrants*, which are useful tools that can assist States
parties in implementing the provisions of the Smuggling of Migrants Protocol, and

* CTOC/COP/2010/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² Ibid., vol. 2241, No. 39574.



encourages States to utilize those materials in developing their capacity to address the smuggling of migrants;

4. *Acknowledges* the efforts made in 2009 and 2010 by the United Nations Office on Drugs and Crime to build State capacity through several regional training workshops on investigating and prosecuting the smuggling of migrants, and encourages States to support, as a priority, the continuation of such workshops;

5. *Recognizes* the ongoing work of the expert group meetings hosted by the United Nations Office on Drugs and Crime to develop an in-depth manual on investigating and prosecuting the smuggling of migrants;

6. *Welcomes* the publication of the issue papers entitled “A short introduction to migrant smuggling” and “Migrant smuggling by air” and the holding of expert group meetings on those topics; notes the useful recommendations made in those issue papers to strengthen cooperation among border control, law enforcement, airport and airline authorities and personnel; and requests the Secretariat to convene an expert group meeting, subject to the availability of extrabudgetary resources, to prepare an issue paper on the smuggling of migrants by sea;

7. *Also welcomes* the recent publication of the *Guide for the Development of Forensic Document Examination Capacity*³ and the holding, in December 2009, of an expert group meeting on that topic, and notes the useful recommendations made in the Guide to strengthen States’ capacity to control borders and make travel documents secure;

8. *Notes* that the implementation of laws and policies related to the smuggling of migrants is complex and necessarily involves multiple agencies, and recommends that States parties establish inter-agency bodies to address the need for coordination;

9. *Urges* States parties to strengthen measures, as outlined in the section on prevention, cooperation and other measures of the Smuggling of Migrants Protocol, to prevent smuggling of migrants and increase sharing of information between States parties and relevant authorities;

10. *Reaffirms* the importance for States parties, pursuant to articles 12 and 13 of the Smuggling of Migrants Protocol, to ensure the integrity of travel or identity documents and work with other States parties to verify, when so requested and within a reasonable time, the legitimacy and validity of such documents suspected of having been used to smuggle migrants;

11. *Calls upon* the Secretariat, in coordination with States parties, to develop tools to assist States parties in strengthening the integrity of travel and identity documents and to promote cooperation among States parties with the goal of preventing the misuse of travel or identity documents.

³ United Nations publication, Sales No. E.10.IV.8.