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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

Sixth session

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Agenda item 3 (a)

Consideration of the additional international legal instruments:

**draft instrument against illegal trafficking in and
transporting of migrants, with particular
emphasis on articles 7-19**

Proposals and contributions received from Governments

France: amendment to article 9 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention against Transnational Organized Crime

Article 9 Other measures

1. States Parties shall take appropriate measures to ensure that means of transport operated by commercial carriers are not used in the commission of offences established under article 4 of this Protocol.

2. Such measures shall include the establishment, without prejudice to the international conventions applicable, of the obligation that commercial carriers, including any transportation company or the owner or operator of any vessel or vehicle, screen all passengers travelling by land, sea or air in order to ascertain that they each have a valid passport and visa, if required, or any other documentation necessary for legal entry into the receiving State.

3. States Parties shall take the necessary measures, in conformity with their domestic law, to provide for penalties in cases of violation of the obligation set out in paragraph 2 of this article. Such sanctions may include fines and forfeiture of the vehicles or means of transport used.