



General Assembly

Distr.: Limited
26 May 2000

Original: English and French

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

Ninth session

Vienna, 5-16 June 2000

Proposals and contributions

European Community:^{*} amendments to articles 9 and 11 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

1. It is proposed that article 9 be revised to read as follows:

*“Article 9
“Other measures*

“1. States Parties shall take legislative or other 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, where appropriate, the establishment, without prejudice to applicable international conventions, of the obligation that commercial carriers, including any transportation company or the owner or operator of any vessel or vehicle, ascertain that all passengers travelling by land, sea or air are in possession of the travel documents required for legal entry into the receiving State.

“3. States Parties shall take the necessary measures, in conformity with their domestic law, to provide for sanctions in cases of violation of the obligation set out in paragraph 2 of this article.”

2. The above proposal seeks to ensure greater consistency with the text of article 8, paragraphs 2-4, of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention

^{*} On behalf of Austria, Belgium, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden.

against Transnational Organized Crime. It is to replace the amendments to article 9 proposed by France and the European Community in document A/AC.254/5/Add.24.

Article 11

3. It is proposed that article 11 be revised to read as follows:

*“Article 11
“Prevention*

“1. Without prejudice to international commitments for the free movement of people, States Parties shall strengthen, to the extent possible, border controls as may be necessary to detect and prevent trafficking in persons, including by checking travel or identity documents and, where appropriate, by boarding and inspecting vehicles and vessels.

“2. Without prejudice to article 19 of the Convention, States Parties shall consider intensifying cooperation with border control agencies of other States, in particular by establishing and maintaining direct channels of communication.

“3. With a view to facilitating effective coordination between their competent border control agencies, States Parties may conclude bilateral arrangements or agreements providing for the posting of liaison officers.”

4. The above proposal on article 11 seeks to ensure greater consistency with the text of article 8, paragraph 1, of the draft Trafficking in Persons Protocol. Moreover, paragraph 3 of this proposal is to replace the new paragraph for article 11 proposed by the Netherlands in document A/AC.254/5/Add.24.
