



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

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## Fourth session

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### Draft report

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### Addendum

## X. Expert consultation on travel and identity documents

1. At its 9th meeting, on 14 October 2008, the Conference considered agenda item 2 (f), entitled “Expert consultation on travel and identity documents”. For its consideration of the item, the Conference had before it the following documents:

(a) Report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/6/Rev.1);

(b) Report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime: consolidated information received from States for the second reporting cycle (CTOC/COP/2006/7/Rev.1);

(c) Note by the Secretariat on travel and identity documents (CTOC/COP/2008/13).

2. The expert consultation was chaired by Fuad Ismayilov (Azerbaijan), Vice-President of the Conference, and was led by two panellists: Troy Eberhardt (United States) and Remigia Saldana (Ecuador).

3. The Deputy Director of the Division for Treaty Affairs and Chief of the Treaty and Legal Assistance Branch of UNODC made an introductory statement. Statements were made by the representatives of Croatia, Senegal, Bolivia, the Sudan, Jordan, Ecuador, Malta, Canada and the Libyan Arab Jamahiriya.



## Deliberations

4. In his introductory remarks, the Vice-President of the Conference referred to the questions formulated for discussion of the issue (see CTOC/COP/2008/13) and drew attention to the fact that the subject of travel and identity documents was a continuously evolving area. New technological developments were playing a central role both for organized criminal groups, which exploited such developments for illicit ends, and for criminal justice officials, who could use such technologies to make travel and identity documents more difficult to forge and counterfeit.

5. In his introductory statement, the Deputy Director of the Division for Treaty Affairs and Chief of the Treaty and Legal Assistance Branch of UNODC noted that in recent years the strengthening of border controls and the resulting improvement in border security, particularly in countries of destination, had led to a shift in the modus operandi of traffickers in persons and smugglers of migrants. In that regard, trafficking and smuggling of persons over land borders, including through official border crossing points, seemed to be decreasing.

6. At the same time, however, there had been an increase in various forms of identity-related crime, such as the misappropriation of documents, the theft of blank documents that are then filled in with fabricated identity information, the falsification, forgery and unlawful issuance of documents and the procurement of passports or visas under false pretences. In concluding, he referred to a series of questions raised for discussion around six central themes: current trends, legislative and regulatory measures, integrity and security of documents, capacity-building, international cooperation and technical assistance (see CTOC/COP/2008/13).

7. The first panellist noted that it was becoming increasingly complicated and difficult to recognize forged or counterfeited documents because of the latest technological developments being exploited by criminals. Forged or counterfeited travel and identity documents could be categorized in three clusters: (a) genuine documents bearing appropriate security features that were valid but that had been obtained through theft or fraud; (b) documents that were valid but that had been altered in some respect (i.e. change in the expiration date or in the photograph); and (c) documents that had been counterfeited with varying degrees of quality.

8. Among the key issues in ensuring the validity of travel and identity documents and in preventing their falsification, the panellist stressed first the importance of strengthening standards for document security to prevent fraud (such as those of the International Civil Aviation Organization (ICAO)) and the need to continuously revisit the security features of travel documents. Secondly, he mentioned the importance of incorporating advanced technologies in travel documents (for instance, by integrating biometrical information through the use of microchips). Thirdly, he emphasized the centrality of international cooperation and the sharing of information among countries. In that regard, it was crucial to report lost or stolen travel documents to INTERPOL and other pertinent law enforcement agencies, to improve information-sharing regarding global trends in counterfeiting and altering documents, and to share specimens of documents with other countries for purposes of forensic comparisons. Finally, he drew the attention of the Conference to the important role played by international training initiatives and to the need to

enhance, globally, the ability of law enforcement agencies to identify fraudulent travel and identity documents.

9. The second panellist underscored the need to address the root causes of migration, including poverty and inequality between more developed and less developed countries. She also mentioned the need to focus on prevention, and not just on protection and assistance to migrants, a need that was echoed in a number of declarations adopted at the regional and international levels. In that connection, she underscored that the aim of the Migrants Protocol was not to protect borders but to protect migrants and their rights, and to ensure that migrants were not criminalized.

10. The panellist stressed the importance of developing a set of requirements for the return of migrants to their countries of origin, such return to be dealt with on a case-by-case basis, and the need to establish a database that would be updated regularly to allow for the exchange of information and the development of informed policies. She concluded with a series of recommendations, namely: (a) develop a system to ensure proper analysis of the relevant problems in order to have a solid basis for preventing and combating smuggling and providing assistance to individuals who have been smuggled; (b) assess whether national legislative measures provide adequate penalties for offenders convicted of trafficking in persons and smuggling of migrants; (c) establish a network of ministries of justice, human rights agencies and migration authorities to provide for ongoing training for law enforcement officials with a focus on the non-criminalization of migrants; (d) improve the capacity of national consular services as an effective tool to prevent trafficking in persons and smuggling of migrants; and (e) ensure that the Open-ended Interim Working Group of Government Experts on Technical Assistance brings added value to the implementation of the Migrants Protocol.

11. Those taking the floor subsequently stressed the importance of securing the integrity of travel and identity documents and preventing their falsification for purposes of organized crime. In that regard, some speakers referred to national laws and regulations on identification and identity protection and to national provisions on criminalizing the forgery of documents. Most speakers stated that the travel documents issued by their Governments were generally aligned with the ICAO technical standards. Speakers also reported on technical measures adopted at the national level to make travel and identity documents difficult to tamper with, such as the issuance of machine-readable passports and passports with features that are difficult to forge.

12. The need to use biometrical elements for linking identity to unique physical characteristics was stressed. The advent of technologies to generate, store and read biometrical identifiers was seen as a major step forward; however, as with other identity infrastructure elements, the technologies were only as reliable as the information initially recorded in them. Thus, it was considered essential for passport and biometrical systems to ensure that the initial identification of each individual linked to the data was accurate and verifiable.

13. Many speakers viewed international cooperation as the key to combating the phenomenon of illegal migration. The proper interaction and coordination of activities between international actors to avoid duplication of effort and to make proper use of available resources was also stressed. Speakers encouraged the sharing of information, urging States parties in particular to provide information on

specimen documents, as an aid to forensic comparisons, as well as information on lost and stolen documents.

14. Several speakers highlighted the technological divide existing between the developed and developing countries and called for capacity-building in the developing world to enhance control of travel and identity documents. In that regard, several speakers called on States parties to provide technical assistance to States requiring such assistance in order to strengthen capacities, in particular assistance in introducing machine-readable travel documents and readers for such documents. The importance of training to enhance the skills of law enforcement, consular and border authorities in Member States in order to identify fraudulent travel and identity documents was mentioned by several speakers.

15. Some speakers stressed the importance of addressing the root causes of migration, such as poverty, inequality, activities of criminal networks, conflict and political instability. Some speakers said it was essential to ensure that the return and reintegration of migrants was carried out in a way that was respectful of their safety and human rights. In that connection, speakers encouraged full compliance with the provisions of the Migrants Protocol and with the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>1</sup> One speaker stated that the returning of migrants to their countries of origin sent an important message that would dissuade smugglers from pursuing their criminal activities. One speaker proposed that at its fifth session the Conference should address the implementation of the Migrants Protocol in a more comprehensive manner, instead of focusing only on the issue of travel and identity documents.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2220, No. 39481.