

## **UN Center for Crime Prevention and Criminal Justice**

x. The United Nations Convention against Transnational Organised Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000, is presently being ratified by Member States, and is expected to come into force sometime in 2004. This instrument does not deal with crimes at sea specifically, but may nevertheless represent an important new tool for the investigation and prosecution of such crimes. Where the relevant countries are States Parties, the Convention will apply to any crime which is a “serious crime” punishable by incarceration for 4 years or more, if the crime is also transnational in nature and involves an organised criminal group.<sup>1</sup> Where the Convention does apply, it provides for a range of international cooperation measures, including mutual legal assistance, the extradition of offenders, and the tracing, freezing, seizure and confiscation of the proceeds of organised crime offences.

### **The smuggling of migrants and trafficking in human beings**

a. As previously reported (A/57/57, paragraphs 156-163) the smuggling of migrants continues to pose a major challenge in terms of human rights, crime-control and maritime issues. The desire to migrate away from poverty, oppression, conflict and harsh social conditions as led to lucrative criminal operations for smuggling migrants and trafficking in human beings. In smuggling operations, migrants consent to relocation and are assisted in illegal migration or illegal residence and criminal revenues are derived from fees paid for such assistance. In trafficking operations, victims are recruited in ways which render any consent meaningless, transported and then exploited in dangerous or unpleasant occupations such as forced labour or prostitution, which in turn generate profits for the organised criminal groups involved.

b. To prevent and combat these problems, the General Assembly, by its resolution 55/25 of 15 November 2000, adopted the United Nations Convention against Transnational Organized Crime and Protocols dealing specifically with the smuggling of migrants and trafficking in persons. Each of these instruments was opened for signature and ratification, and each will come into force on the 90<sup>th</sup> day following ratification or accession by the 40<sup>th</sup> State Party, provided that the Convention must be in force before any Protocol can take effect. In its resolutions 56/120 and 157/128, the General Assembly welcomed ongoing progress in the ratification of the instruments and requested the Secretary General and encouraged Member States to continue to provide the necessary support for efforts to promote and assist ratification efforts. At the end of 2002, the Convention had been signed by 147 countries and ratified by 28; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children had been signed by 117, and ratified by 21 countries, and the Protocol against the Smuggling of Migrants by Land Sea and Air had been signed by 112 and ratified by 20 countries. a further instrument, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition had been signed by 52 countries and ratified by 2 countries. The relevant Protocols require States Parties to criminalise conduct relating to the smuggling of migrants, enabling illegal residence, and trafficking in persons. In combination with the parent Convention, they also require international cooperation in prevention, investigation and prosecution, including the extradition or prosecution of offenders, preserve the human rights of smuggled migrants and victims of trafficking, and contain basic safeguards for the support and assistance of victims of trafficking and other organised crime offences.

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<sup>1</sup> For the meanings of “serious crime”, “transnational in nature” and “organised criminal group” and rules governing the application of the Convention, see GA/RES/55/25, Annex I, Articles 2 and 3.