UN Convention against transnational organised crime: protocol to prevent, suppress and punish trafficking in persons, especially women and children

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PURPOSE : to conclude, on behalf of the EC, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention Against Transnational Organised Crime (UNTOC). CONTENT : in its Resolution 53/111 of 9 December 1998, the United Nations' General Assembly (UNGA) decided to establish a committee charged with elaborating a Convention against transnational organised crime (UNTOC), supplemented by three Protocols: - to prevent, suppress and punish trafficking in persons, especially women and children (Trafficking Protocol); - against the smuggling of migrants by land, air and sea (Smuggling Protocol); - against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Firearms Protocol). On 12 December 2000, the EC signed three instruments in Palermo, along with all EU Member States. The Firearms Protocol was signed by the EC on 16 January 2002. UNTOC enters into force on 29 September 2003. The Trafficking Protocol has not yet entered into force. It requires ratification by at least 40 States. A regional economic integration organisation cannot ratify the UNTOC (or a Protocol) before at least one of its Member States has already done so. Of the 15 EU Member States, Spain and France have already deposited a document of ratification for the UNTOC and the Smuggling and Trafficking Protocols with the UN Secretariat General; the other Member States are still in the process of ratification. Draft decisions to conclude, on behalf of the EC, the UNCTOD and the Smuggling Protocol, are presented in parallel with his proposal. (See CNS/2003/0195 and CNS/2003/0196.) The Protocol's provision on measures to be taken at borders includes the possibility of a closer co-operation between border control authorities and the imposition of sanctions against carriers. These measures are of a standard that complies with the acquis communautaire. The Protocol also contains provisions requiring the Contracting Parties to control the security and quality of their travel and identity documents, including visa, and to verify the legitimacy and validity of such documents where there is a suspicion that they are being used for the purposes of trafficking in persons or the smuggling of migrants. The Protocol also includes a saving clause stating that the provisions of the Protocol are without prejudice to the obligations of States under International law, including the 1951 Geneva Convention and the 1967 Protocol relating to the status of refugees and the principle of non-refoulment contained therein. Finally, the Protocol's obligations for States with regard to facilitating and accepting the return and repatriation of persons who are their own nationals or holding a permanent residence authorisation for their territories are in line with the Community's ongoing negotiations on the conclusion of agreements with third countries on the readmission of persons illegally entering or staying on the territories of Member States. The United Kingdom, Ireland and Denmark are not bound by the provisions of the Trafficking Protocol which are subject to Community competence. The Trafficking Protocol is the first global instrument on thefight against transnational organised crime and smuggling of migrants. It sets a very useful multilateral framework and a variety of important minimum standards for all participating States.