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

2003/0197(CNS) - 24/07/2006 - Final act

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 (Trafficking Protocol.)

LEGISLATIVE ACT : Council Decision 2006/619/EC on the conclusion, on behalf of the EC, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community

CONTENT : The Council adopted decisions approving the conclusion of two protocols supplementing the United Nations Convention against Transnational Organised Crime to fight against the smuggling of migrants by land, sea and air, and to prevent, suppress and punish trafficking in persons, especially women and children. (Please also see 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.

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 position 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.