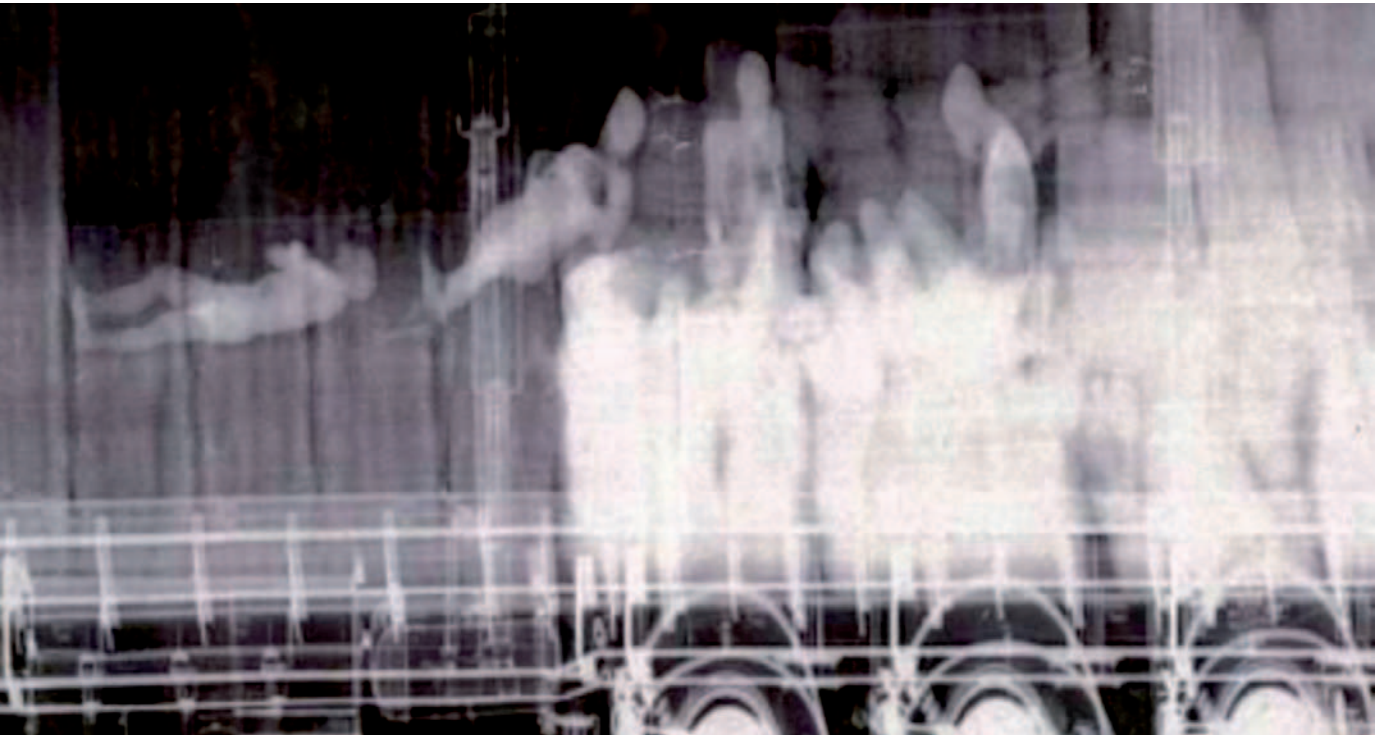




**UNODC**

United Nations Office on Drugs and Crime



# Toolkit to Combat Smuggling of Migrants

Tool 3

International legal framework



Published with the financial support of the European Union.

UNITED NATIONS OFFICE ON DRUGS AND CRIME  
Vienna

# Toolkit to Combat Smuggling of Migrants

## Tool 3

# **International Legal Framework**



UNITED NATIONS  
New York, 2010

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Publishing production: English, Publishing and Library Section, United Nations Office at Vienna.

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# Overview

There are several international instruments that provide the international framework for responding to the smuggling of migrants. Tool 3, entitled “International legal framework”, is divided as follows:

3.1 offers an introduction to the international instruments against transnational organized crime, namely, the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) and its supplementary Protocols on Trafficking in Persons and Smuggling of Migrants;

3.2 explains the relationship between the Organized Crime Convention and the Smuggling of Migrants Protocol;

3.3 offers guidance on steps that both Governments and civil society can take to facilitate the ratification of the Smuggling of Migrants Protocol;

3.4 describes other international instruments that can help combat the smuggling of migrants;

3.5 provides a non-exhaustive list of regional instruments.

## 3.1 Introduction to international instruments against transnational organized crime

The international legal framework within which States must define their own laws in order to effectively address the problem of the smuggling of migrants comprises conventions and instruments of the United Nations and other international organizations. These instruments also provide a framework for States to collaborate with each other to prevent and combat the smuggling of migrants.

International cooperation is a basic condition for the success of any response to the smuggling of migrants. For more information on international cooperation, see Tool 6. The smuggling of migrants takes place across borders and cannot be addressed without joint international efforts and international cooperation.

A growing number of bilateral, regional and global agreements reflect the increasing recognition that transnational crime must be addressed through international cooperation. As criminal groups operate across borders, judicial systems must do the same.

The most relevant international instruments with regard to combating the smuggling of migrants are:

- The United Nations Convention against Transnational Organized Crime (Organized Crime Convention)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol)
- The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Smuggling of Migrants Protocol)

States that are serious about combating the problem of the smuggling of migrants will find that it is to their advantage to ratify and implement the Organized Crime Convention, the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol.

### Organized Crime Convention

The Organized Crime Convention establishes general measures against transnational organized crime, while its Protocols focus on specific crimes. Each Protocol must be read and applied in conjunction with the Convention. The Convention applies to the two Protocols *mutatis mutandis* (that is, with such modification as the case requires) and all offences established by the Protocols are also considered offences under the Convention itself.

The Organized Crime Convention and the Protocols thereto establish minimum standards; States parties are bound to adhere to these minimum standards, but may adopt stricter measures.



The Organized Crime Convention and the Smuggling of Migrants Protocol enable States to tackle the crime of the smuggling of migrants in a comprehensive manner. This is important because smuggling operations are often only one part of criminal activities. The groups involved in the smuggling of migrants also tend to engage in other illicit activities, such as trafficking in persons, drugs, weapons or other illicit commodities, corruption, or money-laundering.

The Organized Crime Convention facilitates the investigation and prosecution of all these criminal activities in a comprehensive, cross-border manner. For example, it may be possible in some instances to prosecute someone involved in the smuggling of migrants for the offence of participating in the activities of an organized criminal group, even if there is not enough evidence to prosecute that person for the offence of smuggling of migrants itself.

The Convention is the international community's response to the need for a truly global approach. Its purpose is to promote cooperation to prevent and combat transnational organized crime more effectively (article 1 of the Convention). It seeks to increase the number of States that take effective measures against transnational organized crime and to build and strengthen international cooperation. It respects the differences and specificities of legal traditions and cultures, while at the same time promoting a common language and helping to remove some of the existing barriers to effective transnational collaboration.

The Convention covers offences that form part of the profit-making activities of organized criminal groups; its supplementary Protocols target specific types of organized criminal activity that require specialized provisions.

### Smuggling of Migrants Protocol

The Smuggling of Migrants Protocol has three purposes, which are set out in its article 2:

- To prevent and combat the smuggling of migrants
- To promote cooperation among States parties to that end
- To protect the rights of smuggled migrants

In addition to setting out specific requirements for extradition, mutual legal assistance and forms of international cooperation, the Convention and the two Protocols set standards on both substantive and procedural law in order to assist States parties in harmonizing their legislation and eliminating differences that can hamper prompt and effective international cooperation.

#### Recommended resources

##### *Organized Crime Convention and Smuggling of Migrants Protocol*

The texts of the Organized Crime Convention and of the Smuggling of Migrants Protocol are available from [www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext](http://www.unodc.org/unodc/en/treaties/CTOC/index.html#Fulltext).

United Nations. *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*. (Sales No. E.05.V.2.)

The main purpose of these Legislative Guides is to assist States seeking to ratify or implement the Organized Crime Convention and its supplementary Protocols. The Guides lay out the basic requirements of the Convention and the Protocols thereto, as well as the issues that each State party must address, while furnishing a range of options and examples that national drafters may wish to consider as they try to implement the Convention and its Protocols. The Guides have been drafted to accommodate different legal traditions and varying levels of institutional development and provide, where available, implementation options.

[www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html](http://www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html)

United Nations. *Travaux préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*. (Sales No. E.06.V.5.)

The *travaux préparatoires* (official records) of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto are intended to provide a better, more in-depth understanding of the Convention and its Protocols. The publication tracks the progress of the negotiations in the open-ended intergovernmental Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, which was established by the General Assembly in its resolution 53/111, with terms of reference supplemented by the Assembly in its resolution 53/114, and requested to finalize the draft texts and submit them directly to the Assembly for adoption (resolution 54/126).

[www.unodc.org/unodc/en/treaties/CTOC/travaux-preparatoires.html](http://www.unodc.org/unodc/en/treaties/CTOC/travaux-preparatoires.html)

### **Other relevant instruments**

For other relevant international instruments, see subsection 3.4.

For other relevant regional instruments, see subsection 3.5.

## 3.2 Relationship between the Organized Crime Convention and the Smuggling of Migrants Protocol

The smuggling of migrants is carried out across borders and cannot be addressed without joint international efforts and international cooperation.

It is important that all States wanting to work together to combat the smuggling of migrants become parties to the Organized Crime Convention and the Smuggling of Migrants Protocol.

Article 1 of the Smuggling of Migrants Protocol and article 37 of the Organized Crime Convention establish the following basic principles governing the relationship between the two instruments:

*No State can be a party to the Protocol unless it is also a party to the Convention*

- Simultaneous ratification or accession is permitted, but a State is not subject to any obligation under the Protocol unless it is also subject to the obligations of the Convention.

*The Convention and the Protocol must be interpreted together*

- In interpreting the various instruments, all relevant instruments should be considered and provisions using similar or parallel language should be given generally similar meaning.
- In interpreting a Protocol, the purpose of that Protocol must also be considered, which may modify meanings applied to the Convention in some cases.
- The provisions of a particular Protocol are binding on States parties only if they are parties to that Protocol.

*The provisions of the Convention apply to the Protocol, mutatis mutandis*

- In applying provisions of the Convention to the Protocol, minor modifications of interpretation or application can be made to take account of the circumstances that arise under the Protocol, but modifications should not be made unless required, and then only to the extent necessary.
- This general rule does not apply where a Protocol specifically excludes it.

*Offences established under the Protocol will also be regarded as offences established in accordance with the Convention*

- This principle, which is comparable in certain respects to the mutatis mutandis requirement, is a critical link between the Protocol and Convention. It ensures that any offence or offences established by a State in order to criminalize the smuggling of migrants, as required by article 6 of the Smuggling of Migrants Protocol, will

automatically be included within the scope of the basic Convention provisions governing forms of international cooperation, such as extradition (article 16 of the Convention) and mutual legal assistance (article 18 of the Convention).

- This principle also links the Protocol and Convention by making other mandatory provisions of the Convention applicable to offences under the Protocol. In particular, obligations under article 6 (criminalization of the laundering of proceeds of crime), article 10 (liability of legal persons), article 11 (prosecution, adjudication and sanctions), articles 12 to 14 (confiscation), article 15 (jurisdiction), article 16 (extradition), article 18 (mutual legal assistance), article 20 (special investigative techniques), article 23 (criminalization of obstruction of justice), articles 24 to 26 (witness and victim protection and assistance, and enhancement of cooperation with law enforcement authorities), article 27 (law enforcement cooperation), articles 29 and 30 (training, technical assistance and economic development) and article 34 (implementation of the Convention) apply equally to the offences established under the Protocol. Establishing a similar link is therefore an important element of domestic legislation to implement the Protocol.

### Recommended resources

#### *Organized Crime Convention and the Protocols thereto*

The texts of the Organized Crime Convention and of its Protocols, as well as other relevant information, are available on the UNODC website at [www.unodc.org/unodc/en/treaties/CTOC/index.html](http://www.unodc.org/unodc/en/treaties/CTOC/index.html).

United Nations. *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*. (Sales No. E.05.V.2.)

(Available from [www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html](http://www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html).)

## 3.3 Ratification of the Smuggling of Migrants Protocol

The United Nations Children's Fund (UNICEF) Regional Office for South Asia has released an information kit containing advice on what Governments and civil society can do both before and after ratification of the Trafficking in Persons Protocol. The advice it offers is equally applicable to the ratification of the Smuggling of Migrants Protocol and has been adapted accordingly below.

### Pre-ratification

What Governments can do:

- Support consultations with civil society for discussion on the policy and programmatic implications of the Protocol
- Consult with other Governments on ratification processes
- Initiate the ratification process
- Follow existing national laws and regulations to carry out the ratification process

What civil society can do:

- Educate key stakeholders on the Protocol
- Develop and disseminate advocacy materials about the Protocol
- Conduct seminars/conferences promoting ratification of the Protocol
- Use mass media to provide extensive coverage of the Protocol and its significance

### Post-ratification

What Governments can do:

- Translate the Protocol into national languages
- Disseminate the Protocol widely to all relevant Government agencies
- Amend inconsistent domestic legislation on the smuggling of migrants in accordance with the Protocol
- Enact new laws to complement the Protocol
- Provide training to people working in the criminal justice system on the smuggling of migrants and related issues
- Develop a national plan of action against the smuggling of migrants that is consistent with the Protocol
- Develop programmes necessary for the implementation of the Protocol and national plan of action

- Establish agreements with other Governments to prevent cross-border smuggling of migrants
- Implement a monitoring system
- Implement prevention programmes among potential risk groups
- Develop guidelines for effective reintegration programmes
- Create infrastructures and strengthen institutional mechanisms for the implementation of the Protocol
- Promote cooperation with other Governments by initiating bilateral or multilateral agreements that facilitate the implementation of the Protocol
- Develop partnerships with non-governmental organizations/international non-governmental organizations working to combat the smuggling of migrants for the effective implementation of the Protocol
- Monitor the implementation of the Protocol

What civil society can do:

- Raise awareness at the grass-roots and national levels of the smuggling of migrants, its causes and consequences, and the role of the Protocol as a tool to address the issue
- Cooperate with Governments to rehabilitate and reintegrate migrants who have been smuggled
- Collect data and conduct research to inform policies and programmes
- Conduct intensive awareness-raising campaigns against the smuggling of migrants at the local and national levels to encourage action by different groups
- Launch income-generating programmes in areas where people are vulnerable to becoming victims of migrant smugglers
- Link the Protocol with other human rights instruments
- Advise on the rights established by the Protocol
- Initiate amendment proposals to address gaps in the Protocol
- Raise violations of rights under the Protocol during reporting to relevant international instruments

*Source:* The United Nations Children's Fund Regional Office for South Asia, *Information Kit*, available from [www.unicef.org/rosa/InfoKit.pdf](http://www.unicef.org/rosa/InfoKit.pdf).

## 3.4 Other relevant international instruments

### International migration instruments

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families General Assembly resolution 45/158 [www2.ohchr.org/english/law/cmw.htm](http://www2.ohchr.org/english/law/cmw.htm)

The Convention entered into force on 1 July 2003. Article 68 is relevant to smuggling of migrants and related crimes:

#### Article 68

1. States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:

(a) Appropriate measures against the dissemination of misleading information relating to emigration and immigration;

(b) Measures to detect and eradicate illegal or clandestine movements of migrant workers and members of their families and to impose effective sanctions on persons, groups or entities which organize, operate or assist in organizing or operating such movements;

(c) Measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their families in an irregular situation.

2. States of employment shall take all adequate and effective measures to eliminate employment in their territory of migrant workers in an irregular situation, including, whenever appropriate, sanctions on employers of such workers. The rights of migrant workers vis-à-vis their employer arising from employment shall not be impaired by these measures.

- Convention concerning Migration for Employment (Revised), 1949 (Convention No. 97), of the International Labour Organization United Nations, *Treaty Series*, vol. 120, No. 1616 [www.ilo.org/ilolex/cgi-lex/convde.pl?C097](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C097)
- Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (Convention No. 143), of the International Labour Organization United Nations, *Treaty Series*, vol. 1120, No. 17426 [www.ilo.org/ilolex/cgi-lex/convde.pl?C143](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C143)

- Convention concerning the Repatriation of Seafarers (Revised), 1987 (Convention No. 166), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 1644, No. 28256  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C166](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C166)
- Convention concerning Private Employment Agencies, 1997 (Convention No. 181), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 2115, No. 36794  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C181](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C181)
- Recommendation concerning Cooperation between States relating to the Recruitment, Placing and Conditions of Labour of Migrants for Employment, 1939 (Recommendation No. 62), of the International Labour Organization  
[www.ilo.org/ilolex/cgi-lex/convde.pl?R062](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R062)
- Recommendation concerning Migrant Workers, 1975 (Recommendation No. 151), of the International Labour Organization  
[www.ilo.org/ilolex/cgi-lex/convde.pl?R151](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R151)
- Recommendation concerning the Protection of Migrant Workers in Underdeveloped Countries and Territories, 1955 (Recommendation No. 100), of the International Labour Organization  
[www.ilo.org/ilolex/cgi-lex/convde.pl?R100](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R100)
- Recommendation concerning the Repatriation of Seafarers, 1987 (Recommendation No. 174), of the International Labour Organization  
[www.ilo.org/ilolex/cgi-lex/convde.pl?R174](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R174)

### International labour instruments

- Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 39, No. 612  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C029](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029)
- Convention concerning the Abolition of Forced Labour, 1957 (Convention No. 105), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 320, No. 4648  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C105](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C105)
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 2133, No. 37245  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C182](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182)
- Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 1015, No. 14862  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C138](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138)
- Convention concerning the Protection of Wages, 1949 (Convention No. 95), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 138, No. 1871  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C095](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C095)



- Convention concerning Basic Aims and Standards of Social Policy, 1962 (Convention No. 117), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 494, No. 7237  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C117](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C117)
- Convention concerning Minimum Wage Fixing, with Special Reference to Developing Countries, 1970 (Convention No. 131), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 825, No. 11821  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C131](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C131)
- Recommendation concerning Minimum Wage Fixing, with Special Reference to Developing Countries, 1970 (Recommendation No. 135), of the International Labour Organization  
[www.ilo.org/ilolex/cgi-lex/convde.pl?R135](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R135)

### International gender-specific instrument

- Convention on the Elimination of All Forms of Discrimination against Women  
United Nations, *Treaty Series*, vol. 1249, No. 20378  
[www.un-documents.net/cedaw.htm](http://www.un-documents.net/cedaw.htm)

### International child-specific instruments

- Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 1015, No. 14862  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C138](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138)
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 2133, No. 37245  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C182](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182)
- Convention on the Rights of the Child  
United Nations, *Treaty Series*, vol. 1577, No. 27531  
[www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography  
United Nations, *Treaty Series*, vol. 2171, No. 27531  
[www2.ohchr.org/english/law/crc-sale.htm](http://www2.ohchr.org/english/law/crc-sale.htm)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict  
United Nations, *Treaty Series*, vol. 2173, No. 27531  
[www2.ohchr.org/english/law/crc-conflict.htm](http://www2.ohchr.org/english/law/crc-conflict.htm)
- Recommendation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Recommendation No. 190), of the International Labour Organization  
[www.ilo.org/ilolex/cgi-lex/convde.pl?R190](http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190)

- Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights  
A/CONF.157/24 (Part I), chap. III  
[www2.ohchr.org/english/law/pdf/vienna.pdf](http://www2.ohchr.org/english/law/pdf/vienna.pdf)

### International human rights instruments

- Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29), of the International Labour Organization  
United Nations, *Treaty Series*, vol. 39, No. 612  
[www.ilo.org/ilolex/cgi-lex/convde.pl?C029](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029)
- Convention on the Elimination of All Forms of Discrimination against Women  
United Nations, *Treaty Series*, vol. 1249, No. 20378  
[www.un-documents.net/cedaw.htm](http://www.un-documents.net/cedaw.htm)
- International Covenant on Civil and Political Rights  
General Assembly resolution 2200 A (XXI), annex  
[www2.ohchr.org/english/law/ccpr.htm](http://www2.ohchr.org/english/law/ccpr.htm)
- International Covenant on Economic, Social and Cultural Rights  
General Assembly resolution 2200 A (XXI), annex  
[www2.ohchr.org/english/law/cescr.htm](http://www2.ohchr.org/english/law/cescr.htm)
- International Convention on the Elimination of All Forms of Racial Discrimination  
United Nations, *Treaty Series*, vol. 660, No. 9464  
[www2.ohchr.org/english/law/cerd.htm](http://www2.ohchr.org/english/law/cerd.htm)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment  
United Nations, *Treaty Series*, vol. 1465, No. 24841  
[www2.ohchr.org/english/law/cat.htm](http://www2.ohchr.org/english/law/cat.htm)

### International refugee and internally displaced persons instruments

- Convention relating to the Status of Refugees  
United Nations, *Treaty Series*, vol. 189, No. 2545  
[www2.ohchr.org/english/law/refugees.htm](http://www2.ohchr.org/english/law/refugees.htm)
- Protocol relating to the Status of Refugees  
United Nations, *Treaty Series*, vol. 606, No. 8791  
[www2.ohchr.org/english/law/protocolrefugees.htm](http://www2.ohchr.org/english/law/protocolrefugees.htm)
- Convention Governing the Specific Aspects of Refugee Problems in Africa  
African Union  
[www.africa-union.org/Official\\_documents/Treaties\\_%20Conventions\\_%20Protocols/Refugee\\_Convention.pdf](http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf)
- Cartagena Declaration on Refugees  
Coloquio Sobre la Protección Internacional de los Refugiados en América Central, México y Panamá: Problemas Jurídicos y Humanitarios (Colloquium on International Protection for Refugees in Central America, Mexico and Panama: Legal and Humanitarian Issues)  
[www.asylumlaw.org/docs/international/CentralAmerica.PDF](http://www.asylumlaw.org/docs/international/CentralAmerica.PDF)

## International humanitarian law

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949  
United Nations, *Treaty Series*, vol. 75, No. 970  
[www.icrc.org/ihl.nsf/FULL/365?OpenDocument](http://www.icrc.org/ihl.nsf/FULL/365?OpenDocument)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949  
United Nations, *Treaty Series*, vol. 75, No. 971  
[www.icrc.org/ihl.nsf/FULL/370?OpenDocument](http://www.icrc.org/ihl.nsf/FULL/370?OpenDocument)
- Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949  
United Nations, *Treaty Series*, vol. 75, No. 972  
[www.icrc.org/ihl.nsf/FULL/375?OpenDocument](http://www.icrc.org/ihl.nsf/FULL/375?OpenDocument)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949  
United Nations, *Treaty Series*, vol. 75, No. 973  
[www.icrc.org/ihl.nsf/FULL/380?OpenDocument](http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)  
United Nations, *Treaty Series*, vol. 1125, No. 17512  
[www2.ohchr.org/english/law/protocol1.htm](http://www2.ohchr.org/english/law/protocol1.htm)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)  
United Nations, *Treaty Series*, vol. 1125, No. 17513  
[www2.ohchr.org/english/law/protocol2.htm](http://www2.ohchr.org/english/law/protocol2.htm)
- International Convention for the Protection of All Persons from Enforced Disappearances  
General Assembly resolution 61/177, annex  
[www2.ohchr.org/english/law/disappearance-convention.htm](http://www2.ohchr.org/english/law/disappearance-convention.htm)

## International development instruments

- Declaration on Social Progress and Development  
General Assembly resolution 2542 (XXIV)  
[www2.ohchr.org/english/law/pdf/progress.pdf](http://www2.ohchr.org/english/law/pdf/progress.pdf)
- Declaration on the Right to Development  
General Assembly resolution 41/128  
[www2.ohchr.org/english/law/pdf/rtd.pdf](http://www2.ohchr.org/english/law/pdf/rtd.pdf)
- United Nations Millennium Declaration  
General Assembly resolution 55/2  
[www.un.org/millennium/declaration/ares552e.pdf](http://www.un.org/millennium/declaration/ares552e.pdf)

## International law of the sea

- United Nations Convention on the Law of the Sea  
United Nations, *Treaty Series*, vol. 1833, No. 31363  
[www.un.org/Depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm)

## Recommended resources

### *International Committee of the Red Cross. International Humanitarian Law Database.*

This database provides documentation and commentaries concerning the implementation of international humanitarian law at the national level. The content is drawn from information available to the International Committee of the Red Cross Advisory Service on International Humanitarian Law and illustrates possible approaches to incorporating international humanitarian law into national legislation.

[www.icrc.org/ihl-nat](http://www.icrc.org/ihl-nat)

### *International Committee of the Red Cross. Resources relating to missing persons and international humanitarian law.*

[www.icrc.org/web/eng/siteeng0.nsf/htmlall/section\\_ihl\\_missing\\_persons?OpenDocument#Key%20document](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_ihl_missing_persons?OpenDocument#Key%20document)

For an extensive list of international, regional and national instruments relating to migration, visit the International Migration Law Database of the International Organization for Migration at [www.imldb.iom.int/section.do](http://www.imldb.iom.int/section.do).

United Nations. *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto* (Sales No. E.05.V.2).

[www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html](http://www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html)

United Nations Office for the Coordination of Humanitarian Affairs. *Guiding Principles on Internal Displacement*.

[www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html)

## 3.5 Regional instruments

### Regional migration instruments

- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers  
Association of Southeast Asian Nations (ASEAN), 2007  
Signatories to the ASEAN Declaration are Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. The ASEAN Declaration sets out obligations for both sending and receiving States and aims to strengthen the cooperation between them.  
[www.aseansec.org/19264.htm](http://www.aseansec.org/19264.htm)
- Bangkok Declaration on Irregular/Undocumented Migration  
International symposium on migration, "Towards Regional Cooperation on Irregular/Undocumented Migration", 1999.  
This Declaration, made by ministers and governmental representatives of Asian and Pacific countries, calls for cooperation, information exchange, humane treatment of victims of trafficking and stronger criminalization of trafficking in persons.  
[www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy\\_and\\_research/rcp/APC/BANGKOK\\_DECLARATION.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/rcp/APC/BANGKOK_DECLARATION.pdf)
- Draft resolution on prevention and eradication of commercial sexual exploitation and smuggling of and trafficking in minors  
Permanent Council of the Organization of American States, 2009  
[scm.oas.org/IDMS/Redirectpage.aspx?class=cp/cg&classNum=1765&lang=e](http://scm.oas.org/IDMS/Redirectpage.aspx?class=cp/cg&classNum=1765&lang=e)
- Paris Declaration on Migration and Development  
Second Euro-African Ministerial Conference on Migration and Development, 2008  
[www.oecd.org/dataoecd/41/5/41912183.pdf](http://www.oecd.org/dataoecd/41/5/41912183.pdf)

### Regional human rights instruments

- African Charter on Human and Peoples' Rights  
[www.hrcr.org/docs/Banjul/afhr.html](http://www.hrcr.org/docs/Banjul/afhr.html)
- African Commission on Human and Peoples' Rights, Rules of Procedure  
[www.hrcr.org/docs/African\\_Commission/afrcmmrules.html](http://www.hrcr.org/docs/African_Commission/afrcmmrules.html)
- American Convention on Human Rights  
[www.hrcr.org/docs/American\\_Convention/oashr.html](http://www.hrcr.org/docs/American_Convention/oashr.html)
- American Declaration of the Rights and Duties of Man  
[www.hrcr.org/docs/OAS\\_Declaration/oasrights.html](http://www.hrcr.org/docs/OAS_Declaration/oasrights.html)

- Arab Charter on Human Rights  
[www1.umn.edu/humanrts/instree/loas2005.html](http://www1.umn.edu/humanrts/instree/loas2005.html)
- Convention for the Protection of Human Rights and Fundamental Freedoms  
United Nations, *Treaty Series*, vol. 213, No. 2889  
<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>
- European Convention on the Legal Status of Migrant Workers  
Council of Europe, *European Treaty Series*, No. 93  
[www.coe.int/t/dg3/migration/Documentation/Default\\_conv\\_en.asp](http://www.coe.int/t/dg3/migration/Documentation/Default_conv_en.asp)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment  
Council of Europe, *European Treaty Series*, No. 126  
<http://conventions.coe.int/Treaty/en/Treaties/Html/126.htm>

### Regional gender instruments

- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa  
[www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html)

### Recommended resources

- For an extensive list of international, regional and national instruments relating to migration, visit the International Migration Law Database of the International Organization for Migration at [www.imldb.iom.int/section.do](http://www.imldb.iom.int/section.do).





# UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, PO Box 500, 1400 Vienna, Austria  
Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-5866, [www.unodc.org](http://www.unodc.org)