

**1998/19. Action against illegal trafficking in migrants, including by sea**

*The Economic and Social Council,*

*Considering* that illegal trafficking in and transporting of migrants are normally carried out by organizations as part of their transnational criminal operations and ordinarily take place under inhuman conditions which result in a great number of accidents and casualties,

*Stressing* the need to combat all criminal practices connected with illegal trafficking in and transporting of migrants, having due regard to universally recognized human rights,

*Stressing also* that it is important that the States concerned establish bilateral, regional and multilateral coordinating mechanisms to fight activities related to illegal trafficking in and transporting of migrants,

*Recalling* General Assembly resolution 51/62 of 12 December 1996, in which the Assembly, *inter alia*, requested the Commission on Crime Prevention and Criminal Justice to consider giving attention to the question of the smuggling of aliens,

*Recalling also* its resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

*Taking note* of the report of the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized

transnational crime of the Commission on Crime Prevention and Criminal Justice, held at Warsaw from 2 to 6 February 1998,<sup>76</sup> and recalling the text of the draft United Nations framework convention against organized crime, submitted to the General Assembly at its fifty-first session by the Government of Poland,<sup>76</sup>

*Taking note also* of the existing proposals for a convention and a protocol on the subject of illegal trafficking in and transporting of migrants, including by sea, submitted to it by the Governments of Austria and Italy,

*Taking note further* of the proposal considered by the group of experts that the draft of an international convention against organized transnational crime could consist of a main convention and additional protocols covering specific offences,<sup>77</sup>

*Stressing* the importance for any legal instruments against illegal trafficking in and transporting of migrants, including by sea, of being consistent legally and substantively with the draft of an international convention against transnational organized crime,

*Emphasizing* that women and children are particularly vulnerable to becoming victims of the crime of illegal trafficking in and transporting of migrants,

1. *Recognizes* the importance of elaborating an efficient legal instrument combating all aspects of transnational organized crime, for example, illegal trafficking in and transporting of migrants, including by sea, having due regard to universally recognized human rights;

2. *Decides* that the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime, to be established by the General Assembly, should hold discussions on the elaboration of an international instrument against illegal trafficking in and transporting of migrants, including by sea, taking into account the existing proposals for legal instruments against illegal trafficking in and transporting of migrants, including by sea.<sup>78</sup>

*44th plenary meeting  
28 July 1998*

<sup>76</sup> A/C.3/51/7, annex; the text of the framework convention is reproduced in annex III to resolution 1997/22 of 21 July 1997.

<sup>77</sup> E/CN.15/1998/5, para. 13.

<sup>78</sup> *Official Records of the Economic and Social Council, 1998, Supplement No. 10 and corrigendum (E/1998/30 and Corr.1), annex V.*