



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: Limited
9 September 2020

Original: English

Working Group on the Smuggling of Migrants

Vienna, 8–9 September 2020

Draft Report

Addendum

II. Recommendations (*continued*)

B. Recommendations on the impact of natural disasters, conflicts and crises, such as the COVID-19 pandemic, on trends in organized criminal groups and on routes for the smuggling of migrants, as well as good practices to support effective law enforcement cooperation during such crises to detect, investigate and prosecute such cases

Recommendation 1

States parties are encouraged to plan for potential arrivals of smuggled persons due to crises, including having in place reception mechanisms that address immediate medical and humanitarian concerns, as well as their migration status.

Recommendation 2

States parties should reinforce national data collection and analysis on the impact of crises, such as the current COVID-19 pandemic, on migrant smuggling routes and patterns to support cooperation with other States Parties, including the sharing of such data and statistics.

Recommendation 3

States parties should enhance the early detection of cases of smuggling of migrants in crises through the development of directories of national authorities and contact points to strengthen the exchange of information and coordination.

Recommendation 4

States parties should enhance awareness-raising efforts to educate the general public of the risks associated with the smuggling of migrants, including the increased vulnerability of migrants in times of crises towards exploitation, abuse, gender-based violence, and trafficking in persons.



Recommendation 5

States should enhance cooperation at the regional and international levels, to respond to emerging trends in migrant smuggling, in particular taking into consideration the challenges that crises, such as the COVID-19 pandemic, pose to the prosecution and investigation of this crime.

Recommendation 6

States parties should provide targeted responses and protection measures for smuggled migrants throughout the COVID-19 crisis, including ensuring accessible and affordable public and social services, such as health care and child and elderly care, and social protection measures for all, including migrants, regardless of status.

Recommendation 7

States parties should support the wider use of technology within the criminal justice system, particularly during crises, to facilitate access to judicial processes and enable the collection and provision of evidence, and the submission and processing of documents by courts.

C. Recommendations on successful strategies concerning the use of technology, including information and communications technology, to prevent and investigate the smuggling of migrants and to mount a robust response to the increasing use of cyberspace by criminal groups.

Recommendation 8

States Parties should expand data collection and research efforts to better analyse the scope, scale and ways in which technology is misused to facilitate the smuggling of migrants at the regional and international levels, with particular consideration of misuse of the Internet and social media applications by organized criminal groups.

Recommendation 9

States Parties should identify and address gaps in national legal systems to ensure the effective investigation and prosecution of technology-facilitated migrant smuggling, and enhanced national and cross-border cooperation.

Recommendation 10

States Parties are encouraged to facilitate the collection, preservation and sharing of digital evidence concerning smuggling of migrants activities across jurisdictions, so as to ensure its admissibility and use in court proceedings.

Recommendation 11

States Parties should ensure that all use of technology by national law enforcement and criminal justice practitioners is consistent and compliant with internationally agreed standards concerning human rights, fairness, accountability and transparency.

Recommendation 12

States Parties should continue developing and applying technological innovation in countering the crime of migrant smuggling, and routinely evaluate such efforts to ensure their effectiveness, further dissemination and use, ensuring that any new initiatives do not duplicate existing and available technology tools.

Recommendation 13

States Parties should endeavour to build expertise and capacity among relevant practitioners across sectors to allow for the maximum use of technology to prevent and combat the smuggling of migrants.

Recommendation 14

States Parties should support law enforcement efforts aimed at establishing a presence in cyberspace, conducting proactive operations, seizing appropriate electronic evidence and ensuring the full use of available technology.

Recommendation 15

States Parties should encourage and expand, where relevant and appropriate, effective partnerships between relevant sectors and stakeholders, including international and regional organizations, civil society, the private sector and academia, to enhance research, innovation and the use of technology to counter the smuggling of migrants.

Recommendation 16

States Parties are encouraged to cooperate with relevant civil society organizations and other relevant stakeholders to increase public awareness on the criminal nature of the smuggling of migrants and to facilitate the detection of this crime, including through the development and use of online anonymous reporting forms.

Recommendation 17

States Parties should consider establishing dedicated prosecutorial teams to enable specialized investigation in the cyberspace to counter the criminal misuse of technology by smugglers and organized criminal groups involved in related offences.

Recommendation 18

States Parties should seek to provide tailored capacity-building for law enforcement and criminal justice practitioners to enable them to promptly respond to emerging trends in the smuggling of migrants, especially in the cyberspace.
