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

**Working Group on the
Smuggling of Migrants**
Vienna, 8–9 September 2020

Draft Report

Addendum

III. Summary of deliberations (*continued*)

1.   At its 2nd and 3rd meetings, on 8 and 9 September 2020, the Working Group considered agenda item 3, entitled "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", and agenda item 4, entitled "Other matters".

2.   Discussions on agenda item 3 commenced with presentations by two national experts. The first panellist was Jorge Matías Fernández, Chief Inspector, Unit for Illegal Immigration and Document Fraud, General Commissariat for Aliens and Borders of Spain, on behalf of the Group of Western European and other States. The second panellist was Tomás Guayasamín, Director of Prevention of Human Trafficking and Migrant Smuggling at the Ministry of Interior of Ecuador, on behalf of the Group of Latin American and the Caribbean States.

3.   Mr. Matías Fernández reflected on the challenges deriving from the emergence of modern technologies and their application to organized crime, including the smuggling of migrants. He noted efforts in Spain to harness the potential of technology, including ongoing cooperation with civil society on the provision of assistance to smuggled migrants and the use of related electronic data in related investigations. He highlighted the effectiveness of partnerships with the private sector in the development of technological tools to respond to the crime, as well as in accessing and tracking digital evidence. He offered a series of recommendations, including the establishment of specialized law enforcement units, and the broadening of awareness raising activities, capitalizing on modern technology platforms for dissemination about the risk of perilous journeys associated with the smuggling of migrants.

4.   Mr. Guayasamín described how technology applications have been successfully applied to address a broad range of challenges and gaps in responding to the crime. From national experience, examples included the development of digital databases and a registry of cases, which include geographical data and interactive maps, to enable enhanced internal coordination and analysis of data among relevant agencies. He stressed the importance of generating statistics to continuously evaluate new trends in the smuggling of migrants, and in issuing relevant guidelines and policy

recommendations to responders. He added that technology-based tools can also enable real time exchange of information among key stakeholders.

5. In the discussions that followed, speakers noted the two distinct sides of the issue – on the one hand, the use by criminal syndicates of technology, increasingly applied to facilitate unlawful activities, and, on the other, the importance of harnessing the potential of technology, including information technology, in addressing the crime and in enhancing criminal justice responses.

6. Speakers highlighted, in particular, challenges deriving from accessing, obtaining and exchanging digital evidence from multiple jurisdictions on cases of smuggling of migrants, noting the continued emergence of such in recent years in conjunction with the increasing complexity of technology-facilitated crime. Speakers noted significant gaps in judicial cooperation and harmonized domestic legal frameworks to support and facilitate the use of electronic evidence in transnational criminal investigations and proceedings, while noting that the United Nations Convention on Transnational Organized Crime and the Protocol against Smuggling of Migrants by Land, Sea and Air constitute essential frameworks to develop adequate cooperation mechanisms. One speaker highlighted how technology has also been used by migrants on social media, at all stages of their journeys, to communicate with smugglers and verify the reliability of routes and fees, including with regard to safety. A number of speakers also stressed how technology can be harnessed by law enforcement and judicial authorities to increase efforts to detect, investigate and prosecute smuggling of migrants cases. In this regard, one speaker noted that countries may benefit from technical assistance and capacity-building, including from international organizations, on the use of such technologies. Another noted the importance of countering narratives of smugglers through well-planned digital campaigns at the regional level, to include targeted messaging for migrant populations.

7. Prior to opening agenda item 5, the Chair underlined the added value of the hybrid format used for this meeting of the Working Group, highlighting the unprecedented level of participation, with approximately 450 registered delegates, across all regions, and noting the enhanced opportunity for the provision of valuable expert contributions. The Chair emphasised the quality and relevance of the discussions, noting the meeting proceeded in a smooth manner and, in his experience, close to the normal dialogue of the previous in-person format, and welcomed the virtual components of the meeting as a successful experience.

IV. Organization of the meeting (*continued*)

B. Statements

8. Under agenda item 3, with the Chair presiding, the discussion was led by the following panellists: Mr. Matías Fernández (Spain) and Mr. Guayasamín (Ecuador).

9. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Smuggling of Migrants Protocol: Honduras.

10. The observers for China, Jordan and Morocco also made statements.

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