



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

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Working Group on the Smuggling of Migrants

Vienna, 11–13 September 2019

Draft Report

I. Introduction

1. Pursuant to resolution 5/3, adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session, an open-ended intergovernmental interim working group on the smuggling of migrants was established to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The first meeting of the Working Group was held from 30 May to 1 June 2012, the second from 11 to 13 November 2013, the third from 18 to 20 November 2015, the fourth from 11 to 13 September 2017 and the fifth from 4 to 5 July 2018.

2. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided, inter alia, that the Working Group would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group of the Conference to consider meeting on an annual basis, as needed, and to hold its meetings consecutively, in order to ensure the effective use of resources.

II. Recommendations

3. At its meeting held in Vienna on 11 and 13 September 2019, the Working Group on Smuggling of Migrants adopted the recommendations presented below.

A. General Recommendations

Recommendation 1

States parties should consider model guidelines based on existing international and regional legal instruments to guide regional efforts.



B. Recommendations on information-sharing on the smuggling of migrants as a form of transnational organized crime, consistent with article 10 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and article 28 of the United Nations Convention against Transnational Organized Crime.

Recommendation 2

States parties should convene forums for relevant experts and government officials to share best practices in combating smuggling.

Recommendation 3

States parties should establish regional networks of prosecutors specialized in migrant smuggling to share information such as mobile numbers used by smugglers, data on holders of mobile numbers and general information on criminal records of the smugglers and law enforcement strategies and to include such in data banks, in accordance with domestic law.

Recommendation 4

States of origin, transit and destination should consider enhancing the availability of interpretation for interacting with smuggled migrants to support the work of prosecutors and police specialized in migrant smuggling.

Recommendation 5

Countries of origin and destination should take into consideration the placement of liaison police officers to accelerate useful information-sharing between countries along smuggling routes.

Recommendation 6

States parties should share with other States parties in the same region information on non-governmental organizations providing assistance to smuggled migrants.

Recommendation 7

States parties should compile a region-by-region registry providing contact information of relevant State practitioners, to enable police officers and immigration officials to readily communicate with their counterparts in other countries. Such information should be shared between States parties through the competent authorities' portal in SHERLOC.

Recommendation 8

Recognizing that transnational organized criminal groups operate differently from region-to-region, States parties are encouraged to send experts and operational personnel in addition to their regular representatives to the Working Group on Smuggling of Migrants.

Recommendation 9

Noting that the UNODC Global Study on Smuggling of Migrants is a highly useful resource, States parties should collect relevant data and research and provide it to UNODC to support the continuation of such global research and analysis efforts.

Recommendation 10

States parties should take measures to ensure systematic sensitization of public officials who have contact with irregular migrants to the associated risks smuggled migrants are exposed to.

C. Recommendations on smuggling of migrants by air and its facilitation through document fraud

III. Summary of deliberations

4. At its 2nd meeting on 11 September 2019, the Working Group considered agenda item 2, entitled “Information-sharing on the smuggling of migrants as a form of transnational organized crime, consistent with article 10 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and article 28 of the United Nations Convention against Transnational Organized Crime”.

5. Discussions on agenda item 2 commenced with presentations by three national experts. The first panellist was Mr. Modiri Matthews, Director, Inspectorate, Department of Home Affairs, South Africa, on behalf of the Group of African States. The second panellist was Ms. Nancy Velazquez, Officer, Deputy Prosecutor for Regional Control, Criminal Proceedings and Protection of Human Rights, General Prosecutor Office of Mexico, on behalf of the Group of Latin American and Caribbean States. The final panellist was Mr. Salvatore Vella, Deputy Chief Prosecutor at the Court of Agrigento, Italy, on behalf of the Group of Western European and other States.

6. Mr. Matthews gave an overview, recalling that the concept of migrant smuggling is, at times, mistakenly treated as an immigration issue, and noting that the concept of financial or material benefit in the definition of the smuggling of migrants is too often ignored. He illustrated this by explaining that despite the good legal framework of the Republic of South Africa, immigration officials tend to take criminal action against smuggled migrants instead of focusing on the syndicates organizing their smuggling. He added that, jointly with UNODC, the Republic of South Africa has conducted surveys of smuggled migrants to gather data and create an understanding of the drivers behind smuggling. Together with the South African Development Community (SADC), the Republic of South Africa contributes to the data collection efforts undertaken. These efforts have shown, for example, that 75 per cent of smuggled migrants in the country are men. He concluded by providing key recommendations to be included in the report.

7. Ms. Nancy Velazquez began her presentation by showing a video produced to educate viewers on the many negative realities faced by those who seek to rely upon migrant smugglers, including being subjected to human rights violations and criminal victimization. She added that Mexico is a transit country that witnesses countless violations against migrants in the context of smuggling operations, such as sexual and gender-based violence and kidnapping. She described the achievements made under the SOMMEX project jointly implemented with UNODC and several stakeholders, noting, for example, the training of 300 officials in 2018 in workshops conducted to sensitize criminal justice practitioners. She further explained that the resulting enhanced empathy and understanding of such actors, including through the organization of joint training with officials from the United States, had resulted in the rescue of 17,376 smuggled migrants as a result of these activities.

8. Mr. Salvatore Vella described how migrant smuggling has impacted the Italian island of Lampedusa. He stressed that although there are no “standard” smuggling by sea journeys in the Mediterranean, some *modus operandi* have been identified. He described six different *modus operandi* used by the smugglers to carry migrants to the Italian shores. Until 2016, many migrants arrived aboard fishing boats, which were configured to maximize the number of persons who could be transported. He noted that, upon arrival or seizure, skippers, working in smuggling networks, would hide among migrants to avoid arrest and then would attempt to return to their communities in North Africa. Large-scale arrests proved to be a deterrent to smugglers and, as a result, methods changed, and smugglers began to use unstable rubber boats. In such cases, migrants are given basic instructions on how to pilot the boats themselves. This

approach has seen smugglers increase profits and reduce their exposure to arrest. He concluded by offering a number of recommendations, including to establish specialized prosecution networks, develop regional information-sharing mechanisms for biometric data, facilitate the exchange of liaison officers and share information on the role of non-governmental organizations known to be active in assisting smuggled persons.

9. After these presentations, the panellists exchanged additional information with the participants in response to several questions and comments regarding specific challenges and examples of promising practices. A number of these questions and comments focused on ways to strengthen information-sharing and other forms of cooperation.

10. Several speakers reflected on the need to share information regarding smuggling of migrants. Speakers shared promising practices to encourage cooperation, including sharing contact points between law enforcement authorities and immigration authorities; facilitating cooperation between financial investigation services, banking federations and money transfer agencies; as well as the use of investigating judges. One speaker reflected on efforts to meet the basic needs of stranded migrants and assist the voluntary return of those migrants not in need of protection. Another highlighted the use of fraudulent documents to facilitate smuggling of migrants offences. One speaker noted an intention to seek membership in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime in 2020 to further strengthen engagement to combat smuggling of migrants and trafficking in persons.

11. At its [4th and 5th] meeting[s], on 12 and 13 September 2019, the Working Group considered agenda item 3, entitled “Smuggling of migrants by air and its facilitation through document fraud”.

IV. Organization of the meeting

A. Opening of the meeting

12. The sixth meeting of the Working Group on Smuggling of Migrants was held in Vienna from 11 to 13 September 2019. Five meetings were held.

13. The meeting was opened by Francesco Testa (Italy), Chair of the Working Group. He addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

B. Statements

14. General introductory statements were made by a representative of the Secretariat under agenda items 1 and 2.

15. Under agenda item 2, with the Chair presiding, the discussion was led by the following panellists: Mr. Salvatore Vella (Italy), Ms. Nancy Velazquez (Mexico), Mr. Modiri Matthews (South Africa).

16. Under agenda item 3, with the Chair presiding, the discussion was led by the following panellists: Mr. Rohan Celho (Canada) and Dr. Mohamed Ezzat (Egypt).

17. Under agenda items 2 and 3, statements were made by representatives of the following states parties to the Smuggling of Migrants Protocol: Belgium, Canada, the Netherlands and the United States of America.

18. The observer for the Parliamentary Assembly of the Mediterranean, an intergovernmental organization, also made a statement.

C. Adoption of the agenda and organization of work

19. At its 1st meeting, on 11 September 2019, the Working Group adopted by consensus the following agenda, as orally amended:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Information-sharing on the smuggling of migrants as a form of transnational organized crime, consistent with article 10 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and article 28 of the United Nations Convention against Transnational Organized Crime.
3. Smuggling of migrants by air and its facilitation through document fraud.
4. Other matters.
5. Adoption of the report.

D. Attendance

20. The following parties to the Smuggling of Migrants Protocol were represented at the meeting: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, Finland, France, Gambia, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iraq, Italy, Japan, Kenya, Kuwait, Lebanon, Libya, Malta, Mexico, Monaco, Myanmar, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, Tunisia, Turkey, United States of America, Uruguay, Venezuela (Bolivarian Republic of) [...].

21. The following States signatories to the Smuggling of Migrants Protocol were represented by observers: Bolivia, Sri Lanka, Thailand [...]

22. The following States that are not parties or signatories to the Smuggling of Migrants Protocol were represented by observers: Colombia, Holy See, Iran, Israel, Malaysia, Nepal, Pakistan, Singapore, State of Palestine, United Arab Emirates, Yemen [...]

23. The Sovereign Military Order of Malta, an entity maintaining permanent observer office, was represented by an observer.

24. The following intergovernmental organizations were represented by observers: International Organization for Migration (IOM), Interpol, League of Arab States (LAS), Parliamentary Assembly of the Mediterranean (PAM) [...]

25. A list of participants is contained in document CTOC/COP/WG.7/2019/INF/1/Rev.1.

E. Documentation

26. The Working Group had before it the following:

- (a) Annotated provisional agenda ([CTOC/COP/WG.7/2019/1](#));
- (b) Annotated provisional agenda. Corrigendum ([CTOC/COP/WG.7/2019/1/Corr.1](#));

(c) Background paper prepared by the Secretariat on information-sharing on the smuggling of migrants as a form of transnational organized crime, consistent with Article 10 of the Protocol on the Smuggling of Migrants by Land, Sea and Air and Article 28 of the Convention against Transnational Organized Crime ([CTOC/COP/WG.7/2019/2](#));

(d) Background paper prepared by the Secretariat on migrant smuggling by air and its facilitation through document fraud ([CTOC/COP/WG.7/2019/3](#));

(e) Background paper prepared by the Secretariat containing index of recommendations adopted by the Working Group on Smuggling of Migrants at its first five meetings ([CTOC/COP/WG.7/2019/4](#));

(f) Background paper prepared by the Secretariat containing a compilation of recommendations adopted by the Working Group on the Smuggling of Migrants at its first five meetings ([CTOC/COP/WG.7/2019/5](#)).

V. Adoption of the report

27. On 13 September 2019, the Working Group adopted the present report on its meeting.
