



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

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Working Group on the Smuggling of Migrants

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Other matters

Recommendations adopted by the Working Group on the Smuggling of Migrants at its first five meetings

Background paper prepared by the Secretariat

The present background paper has been prepared as a complement to the index of recommendations adopted by the Working Group on the Smuggling of Migrants at its first five meetings ([CTOC/COP/WG.7/2019/4](#)), prepared for the sixth meeting of the Working Group. It contains all the recommendations adopted by the Working Group at its first five meetings, held from 2012 to 2018, and is organized chronologically.

* [CTOC/COP/WG.7/2019/1](#).



I. First meeting, Vienna, 30 May to 1 June 2012

1. States that have not yet done so should be urged to consider ratifying or acceding to the Smuggling of Migrants Protocol.
2. States parties should continue to review and, as appropriate, strengthen their relevant legislation, including criminal legislation, and establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence.
3. Although the smuggling of migrants and trafficking in persons may, in some cases, share some common features, States parties should consider them to be distinct crimes requiring separate legal, operational and policy responses.
4. States parties should intensify their efforts at the national and international levels with regard to cooperation in order to provide specialized training to law enforcement and judicial officials, such as training for those responsible for gathering evidence at the point of interception of smuggled migrants.
5. States parties should call upon appropriate partners, including the United Nations Office on Drugs and Crime (UNODC), to continue providing technical assistance to strengthen the capacity of States parties to criminalize, investigate and prosecute the smuggling of migrants, for example by assisting States parties in incorporating the provisions of the Smuggling of Migrants Protocol into their national legislation.
6. States parties should collect and share relevant information, including through the use of existing international and regional databases such as those of the International Criminal Police Organization (INTERPOL), in order to enhance the effectiveness of measures aimed at criminalizing, investigating and prosecuting the smuggling of migrants. Such information could include data on organized criminal groups involved in the smuggling of migrants.
7. States may wish to request UNODC to collect information and prepare a comprehensive global report on the smuggling of migrants, in close collaboration with States parties, to complement existing relevant reporting by international organizations such as the International Organization for Migration. The global report should include all types of information as listed in article 10 of the Smuggling of Migrants Protocol, including a focus on transregional routes and emerging routes and means of transportation. The report should also include the challenges encountered by States parties in combating the smuggling of migrants, good practices and lessons learned, legislative experiences and the use of administrative measures to prevent and combat the smuggling of migrants. The Working Group requests UNODC to do an assessment of the resource implications of the preparation of such a report.
8. States parties may wish to request UNODC to provide technical assistance with regard to investigating links that may exist between the smuggling of migrants and corruption, money-laundering and other forms of transnational organized crime.
9. States parties may wish to consider making smuggled migrants eligible for local witness protection programmes in order to encourage their cooperation and testimony and to facilitate investigations, prosecutions and convictions of criminals.
10. States parties may wish to consider including in their policies and practices mechanisms that would allow smuggled migrants to assist in criminal investigations and the prosecution of smugglers, for instance by granting them temporary residency permits in transit or destination countries, or allowing them to testify from their countries of origin, including, where appropriate, through the use of videoconferencing, or allowing the witness to legally return to a transit or destination country in order to testify.

11. States parties may wish to consider raising awareness of the penalties for the offence of the smuggling of migrants, especially those committed under aggravating circumstances, so that those penalties may better serve as deterrents.
12. In criminalizing the smuggling of migrants, States parties may wish to consider establishing aggravating circumstances to the offences mentioned in article 6, paragraph 1, of the Smuggling of Migrants Protocol, in addition to the aggravating circumstances listed in article 6, paragraph 3, of the Protocol, in order to facilitate effective implementation of the provisions of the Protocol.
13. In investigating and prosecuting the smuggling of migrants, States parties should, where appropriate, ensure that financial investigations take place concurrently, with a view to tracing, freezing and confiscating proceeds acquired through such crime.
14. In efforts aimed at the detection and investigation of the smuggling of migrants, including efforts involving the use of special investigative techniques, States parties should take into account the safety and rights of the persons involved.
15. States parties could consider strengthening the security of identity and travel documents, including by following the plan of the International Civil Aviation Organization for the replacement of all manually read documents with biometric documents, and by strengthening document examination capacity. States parties may wish to consider establishing as a criminal offence the misuse of identity to obtain identity documents for the purpose of smuggling migrants.
16. States parties may consider establishing and/or improving coordination mechanisms among relevant agencies at the national level in order to reconcile priorities and strengthen concerted action against the smuggling of migrants.
17. States parties could consider ways to enhance cooperation at all levels to prevent and combat the crimes covered by the Smuggling of Migrants Protocol that are committed by means of using new technologies, especially the Internet; such cooperation could include more effective exchange of information and good practices relating to issues of criminalization, investigation and prosecution.
18. States parties should respect the fundamental human rights of smuggled migrants, irrespective of their migration status, nationality, gender, ethnicity, age or religion.
19. States parties may wish to request States to exchange their views and to share information and good practices on the measures taken to protect the human rights of smuggled migrants.
20. States parties should adopt appropriate measures, including legislation, if necessary, to protect smuggled migrants from violence, discrimination, torture or other cruel, inhuman and degrading treatment or punishment, as well as violation of their rights, and should provide smuggled migrants who have been victims of other crimes with effective access to justice and to legal assistance when it is envisaged in national legislation.
21. States parties may wish to consider setting up hotlines to allow smuggled migrants to identify violations of their rights and to refer them to the appropriate services to provide for their protection.
22. States parties may wish to consider involving their consular and diplomatic representations abroad in enhancing the protection of smuggled migrants and the provision of assistance to such migrants. In case of detention, States parties should give special attention to their obligations under the Vienna Convention on Consular Relations, as referred to in article 16, paragraph 5, of the Smuggling of Migrants Protocol.
23. States parties are encouraged to enhance their cooperation to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea.

24. Taking into account chapter II of the Protocol, States parties should give special attention to dangers to the life and safety of migrants smuggled by sea and should prioritize the preservation of life and safety upon detection of a vessel used to smuggle migrants.
25. States parties should address the special needs of vulnerable categories of smuggled migrants, including pregnant women, women with children and unaccompanied minors.
26. States parties should take into account the international protection framework for refugees and asylum seekers.
27. States parties may wish to consider involving civil society in the response to the smuggling of migrants, in particular by contributing protection and assistance measures and developing communication channels between authorities involved in the detection, investigation and prosecution of the smuggling of migrants and service providers who could assist in the provision of assistance to smuggled migrants.
28. States parties should inform migrants of their rights under domestic law, including the right to appeal, and, where applicable, their options for voluntary return.
29. States parties should take a comprehensive approach to preventing the smuggling of migrants that includes measures relating to effective border control, strengthened document integrity and control, capacity-building, awareness-raising and measures relating to the root causes of such smuggling.
30. In reinforcing document integrity, States parties should bear in mind that criminal networks involved in smuggling migrants evade such measures by submitting fraudulent passport and visa applications; measures should therefore be put in place to scrutinize such applications and to detect when documents have not been issued by the competent authorities.
31. States parties should, as appropriate, strengthen the security of their identity and travel documents and their capacity to detect fraudulent documents. They may wish to consider requesting technical assistance from other States parties or regional or international organizations to that effect.
32. States parties should develop public information campaigns, which could involve the media and Internet-based social networks, in order to raise awareness about the adverse effects of the smuggling of migrants and to warn persons vulnerable to being smuggled, especially young people and their families, about the dangers involved.
33. States parties may wish to consider raising awareness among transport companies, especially airline companies, of the risks associated with document fraud. They may also wish to provide penalties for companies that do not comply with their obligation to ensure the authenticity and validity of the documents of passengers travelling across international borders. States parties may also wish to consider establishing mechanisms for obtaining timely passenger information from such companies.
34. States parties should consider enhanced scrutiny when issuing visas, as well as enforcing the terms of their visas to help prevent their countries from being used as a transit point by persons involved in operations for smuggling migrants.
35. States parties should consider the importance of bilateral and multilateral cooperation, including cooperation at the regional level and with neighbouring countries, in order to strengthen border control, conduct joint investigations, exchange operational information and intelligence informally and develop training programmes to raise the awareness of relevant actors.
36. States parties are encouraged to use existing operational databases, such as INTERPOL databases, to exchange information, including on offenders and on persons suspected of committing any of the crimes set forth in article 6 of the Protocol and on lost or stolen documents.

37. States are encouraged to consider establishing data-collection and analysis centres that could assist in developing evidence-based knowledge and measures to prevent and suppress the smuggling of migrants.
38. States parties may wish to reinforce their prevention efforts through the deployment of liaison officers and participation in joint investigation teams. At the national level, the creation of integrated border enforcement teams and the establishment of coordination mechanisms involving all agencies engaged in preventing and combating the smuggling of migrants could contribute to preventing such crime.
39. To complement efforts to prevent and combat the smuggling of migrants, international organizations may be requested to make use of existing inter-agency forums addressing those issues, such as the Global Migration Group.
40. States should use, to the fullest extent possible, formal and informal forms of cooperation and coordination to combat the smuggling of migrants at the international, regional and national levels.
41. States parties should utilize the Organized Crime Convention as a legal basis for international cooperation, in particular in the form of mutual legal assistance and extradition, to combat the smuggling of migrants.
42. States are encouraged to respond within a reasonable time period to requests for international cooperation in cases relating to the smuggling of migrants.
43. States should carry out joint capacity-building activities and exchange of expertise, in particular in the areas of processing intelligence and other information and handling sensitive information, in order to prevent, detect and respond to the smuggling of migrants.
44. Recognizing that mutual trust is an instrumental precondition to effective international cooperation, States may wish to engage in confidence-building measures such as establishing and strengthening operational networks and vetting procedures at the national, regional and international levels.
45. States may wish to establish standard operating procedures and channels for the exchange of intelligence and other information, including regarding possible threats, on a regular basis and in a timely and secure manner.
46. States may wish to encourage joint investigations, as an effective means of sharing intelligence and other information.
47. In accordance with article 8 of the Smuggling of Migrants Protocol, States parties should notify the Secretary-General of the designation of an authority to receive and respond to requests for assistance to combat the smuggling of migrants by sea. States may wish to inform UNODC of such designations and include the information in the directory of competent national authorities.
48. States may wish to establish open and direct lines of communication, including contact details of relevant agencies and individuals, in order to facilitate informal and formal cooperation to combat the smuggling of migrants.
49. States may wish to consider establishing among countries of origin, transit and destination programmes for returning smuggled migrants. States may request the assistance of international intergovernmental organizations and civil society, where appropriate.
50. States should consider repatriating smuggled migrants directly to their place of origin, giving due regard to their rights.
51. States parties may wish to call on UNODC to facilitate and deliver technical assistance and to continue to develop and disseminate technical assistance tools to be used in countering the smuggling of migrants.

52. The Working Group should continue advising and assisting the Conference in carrying out its mandate with regard to the Smuggling of Migrants Protocol, with a view to improving international cooperation in that area.

53. The Working Group may wish to request the Secretariat to organize, for the next meeting of the Working Group, technical panel discussions on good practices involving the use of special investigative techniques in cases of the smuggling of migrants and on the establishment of multi-agency centres to enable information on the smuggling of migrants to be shared and responses to such smuggling to be coordinated between agencies and between similar centres in other States parties.

54. States parties may wish to consider how to prioritize in the most efficient way the future work of the Working Group and to consider including on the agenda for each of its meetings an item on follow-up to the recommendations adopted at its previous meeting.

55. The Conference should discuss the future programme of work of the Working Group, which may include topics on intelligence-sharing, international cooperation, protection and assistance and other relevant items.

II. Second meeting, Vienna, 11 to 13 November 2013

1. States parties should take the appropriate measures, such as developing guidelines to ensure that the human rights of smuggled migrants are respected and that the safety and security of smuggled migrants are granted utmost priority; that the investigation of smuggling of migrants is sensitive to the special needs of vulnerable migrants, such as women and children; and that return is not hindered or delayed unnecessarily.
2. States parties, especially those with common borders, should promote effective and efficient sharing of information, which may include investigative findings, in a manner consistent with their respective domestic, legal and administrative systems.
3. The Working Group on the Smuggling of Migrants requested the Secretariat to continue providing technical assistance to Member States, upon request, to support their efforts to accede to the Smuggling of Migrants Protocol or to implement the Protocol, including by strengthening legal frameworks and the capacity of criminal justice practitioners to effectively address the smuggling of migrants.
4. Recalling the tenth anniversary of the entry into force of the Organized Crime Convention and the Protocols thereto and taking into consideration articles 32 and 37 of the Convention, States parties and the United Nations Office on Drugs and Crime (UNODC) should continue to promote the full implementation of the Convention and the Smuggling of Migrants Protocol, with a view to identifying existing gaps, challenges and priorities.
5. States parties to the Convention that are countries of origin, transit and destination of smuggled migrants are encouraged to enhance cooperation in a comprehensive manner to develop effective measures to prevent the smuggling of migrants, while ensuring the protection of the rights of smuggled migrants.
6. States parties, in preventing and combating the smuggling of migrants, are invited to take into account, where appropriate and in accordance with national legislation, the experience of relevant stakeholders, including international and regional organizations, the private sector, academia and civil society.
7. The Working Group on the Smuggling of Migrants recommended that the Conference, at its seventh session, should consider initiating discussions regarding the possibility that the Working Group develop and follow a workplan for its future meetings.
8. The Working Group on the Smuggling of Migrants recommended to the Conference that the following topics, inter alia, be considered at future meetings of the Working Group:
 - (a) Smuggling of vulnerable migrants, such as children, including unaccompanied children;
 - (b) Practical measures to prevent the smuggling of migrants, such as visa on arrival, public information campaigns and training sessions on fraudulent documents;
 - (c) Organized crime aspects of the smuggling of migrants, including financial investigations and responses targeting the proceeds of crime;
 - (d) Smuggling of migrants by sea;
 - (e) Criminal justice responses, including investigations and prosecutions of perpetrators of migrant smuggling operations.
9. States parties are encouraged to implement article 18 of the Smuggling of Migrants Protocol, including by negotiating agreements for the orderly return of smuggled migrants.
10. States parties are invited to address the root causes of the smuggling of migrants through comprehensive crime prevention, social, economic, health, education and justice policies.

11. States parties are invited to cooperate effectively in addressing the root causes of smuggling of migrants in a comprehensive manner and with a balanced perspective on both the supply and demand sides, as a step towards a better implementation of the Smuggling of Migrants Protocol.
12. States parties are encouraged to adopt a holistic approach in undertaking investigations of smuggling of migrants cases, supported by bilateral and multilateral cooperation, in accordance with national legislation.
13. Pursuant to article 20 of the Organized Crime Convention, and in accordance with national legislation, States parties should make use of a range of special investigative techniques in smuggling of migrants cases, commensurate with the needs of the investigation, as an effective means of gathering intelligence and evidence.
14. In applying special investigative techniques, States parties should consider appropriate laws regarding evidence and its admissibility in prosecutions.
15. States parties may consider, in accordance with national law, making use of controlled delivery methods to investigate smuggling of migrants cases, while ensuring the full respect of the rights of migrants.
16. States parties should, at all times, give priority to the life, safety and well-being of, and respect for the human rights of, the migrants who are the object of the smuggling when conducting investigations related to migrant smuggling cases, such as by ensuring an appropriate balance in investigating smugglers and migrants. To that effect, risks should be constantly assessed prior to and during investigations.
17. States parties are encouraged to take the necessary measures, where appropriate and in accordance with domestic legislation, in order to establish multi-agency centres to effectively implement the Smuggling of Migrants Protocol.
18. States parties may consider appointing a senior official to guide the work of a multi-agency centre.
19. States parties are encouraged to identify and address common challenges in establishing such centres by utilizing existing good practices and experience in other jurisdictions and by requesting technical assistance, where necessary.
20. Recognizing that mutual trust and transparency is an instrumental precondition for effective coordination, States parties may wish to develop a national strategy for multi-agency centres that brings together the mandates of each agency and ensures, for example, that the analysis of information and intelligence is centrally processed.
21. States parties should involve, in accordance with national legislation, a broad spectrum of agencies in their multi-agency centres for policy development, planning and the sharing of information on smuggling of migrants. States parties may also wish to consider encouraging their relevant competent authorities to coordinate their operations through a multi-agency centre, to hold regular meetings and, where appropriate, to share intelligence and information and undertake investigations of smuggling of migrants offences, where relevant.
22. States parties should promote cooperation with similar multi-agency centres established by other States parties.
23. The Working Group on the Smuggling of Migrants requested the Secretariat to prepare more detailed and practical guidance regarding the establishment of multi-agency centres.
24. States parties are encouraged to ensure that measures taken to promote informal cross-border cooperation and information-sharing complement and strengthen measures of formal cooperation, keeping in mind that evidence gathered must meet the standard of proof in a court of law.
25. In recognition of the usefulness of informal cooperation and information-sharing in early operational stages to assist in the gathering of intelligence and

evidence in smuggling of migrants cases, States parties may wish to consider providing their criminal justice authorities with the appropriate instruments in order to facilitate direct informal communication and the exchange of information with relevant foreign competent authorities, in accordance with national law.

26. States parties are encouraged to expand informal cooperation and information-sharing measures not only to address the investigation and prosecution of smuggling of migrants cases but also to protect the rights of smuggled migrants, in accordance with domestic law.

27. States parties are encouraged to assist each other in a bilateral or multilateral manner through the provision of technical assistance and the development of measures to exchange information and ensure that return of smuggled migrants is not hindered or delayed unnecessarily, on the basis of the principles of national sovereignty, solidarity and the fair sharing of responsibility.

28. States parties are encouraged to take measures, as appropriate, to support the cooperation between liaison officers in addressing the smuggling of migrants.

29. Recognizing the difficulty in monitoring all border crossings, States parties are encouraged to support cross-border cooperation to address the smuggling of migrants.

30. States parties should, where appropriate and consistent with their obligations under the Vienna Convention on Consular Relations and other relevant treaties, notify without delay the consular authorities of the State of the nationality of the smuggled migrant, with the approval of the individual concerned, and, where relevant, the social welfare authorities and provide access to assistance, particularly to vulnerable migrants, especially women and children, and facilitate return.

31. States parties should consider using the UNODC *Digest of Organized Crime Cases* and support and contribute to the knowledge management portal known as Sharing Electronic Resources and Laws against Organized Crime (SHERLOC), recently launched by UNODC, to promote the exchange of information.

32. The Working Group requested UNODC to continue its efforts to assist States parties to share their experiences and good practices at the national, regional and international levels.

33. States parties are encouraged to consider adopting or adapting the model of the voluntary reporting system developed by UNODC at the request of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime as a means of gathering and sharing information on the smuggling of migrants and related conduct in a harmonized and continuous manner.

III. Third meeting, Vienna, 18 to 20 November 2015

1. States should consider establishing jurisdiction, consistent with applicable international law, over incidents of migrant smuggling on the high seas involving unflagged vessels, including incidents in which the transportation of the migrants to shore by rescuers is the result of the deliberate conduct of the smugglers aimed at provoking the rescue of the migrants, and States may wish to consider the full implementation of article 15 of the Convention.
2. States must treat the smuggling of migrants as a criminal offence and not only as an immigration matter, and include it among predicate offences for money-laundering.
3. States should consider the adoption of multilateral, regional and bilateral agreements and arrangements to implement article 8 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime to set reasonable time frames for responding to requests under its provisions.
4. Consistent with applicable international law, States should not hold seafarers who have assisted, rescued or disembarked smuggled migrants in distress at sea criminally liable.
5. States should, where appropriate, ensure that the immediate and essential needs of persons having been the object of smuggling are catered for, including their medical needs and, if possible, their needs for psychological care, should facilitate timely communication with the families and consular offices of such persons, and should provide guarantees for their safety, in cooperation with relevant stakeholders, including civil society actors.
6. States are encouraged to adopt procedures and guidelines, in accordance with their own domestic legal frameworks, on the timely and effective debriefing and interviewing of smuggled migrants for investigative purposes, including of children and potential victims of trafficking in persons, that take into account their human rights and vulnerability.
7. States should encourage smuggled migrants to cooperate with investigations, including by providing witness testimony, and, consistent with article 24 of the Convention, should consider measures to effectively protect those who do so and, as appropriate, their relatives and loved ones, from potential retaliation, including, where appropriate, by considering granting them temporary residence permits or relocation assistance.
8. States should enhance the use of the Organized Crime Convention and the Smuggling of Migrants Protocol as the basis for international cooperation aimed at facilitating extradition and the widest possible measure of mutual legal assistance in smuggling of migrants cases, in accordance with articles 16 and 18 of the Convention.
9. In implementing the Smuggling of Migrants Protocol, States parties should take full advantage of the tools provided for in the Convention, including, but not limited to, confiscation and seizure, mutual legal assistance, extradition, witness protection, and the use of special investigative techniques.
10. States are encouraged, as appropriate, to share information on best practices and procedures followed, and checklists used, when responding to incidents involving the smuggling of migrants by sea, as well as information on their detection, to allow intelligence-based investigations and to use indicators to detect the smuggling of migrants on land.
11. States should consider establishing a national mechanism or body to coordinate a whole-of-government, multi-stakeholder response by, inter alia, law enforcement, criminal justice, border protection, immigration, and foreign ministries, in cooperation with relevant civil society actors, in order to identify, disrupt and prevent migrant smuggling ventures in accordance with the Smuggling of Migrants Protocol.

12. States should tackle the root causes of the smuggling of migrants, based on their shared commitments, in order to prevent and combat that crime, and to address the hardships that migrants who have been the object of smuggling face, including by strengthening cooperation between countries of origin, transit and destination, and should strengthen the role of regional mechanisms and relevant international organizations in that regard.
13. The Secretariat should, within its mandate, continue to provide technical assistance to States requesting to become parties to the Smuggling of Migrants Protocol, to draft manuals and guidelines that may contribute to the full implementation of the Protocol, and to strengthen States' crime prevention and criminal justice responses to the smuggling of migrants and related crimes.
14. In accordance with applicable international obligations, including article 19 of the Smuggling of Migrants Protocol, States should ensure full respect for the rights of smuggled migrants, should fully adhere to the principle of non-discrimination when offering assistance and protection, and should duly take into consideration the principle of non-refoulement, including during interception at sea.
15. States should endeavour to fully implement the 2030 Agenda for Sustainable Development, including in order to help to prevent the smuggling of migrants.
16. States should exert further efforts in the field of development cooperation, in a manner that focuses on reducing poverty and fostering socioeconomic development, by supporting inclusive economic growth through investment opportunities and the creation of decent jobs, and by improving the delivery of basic services such as education and health, as a way to prevent the smuggling of migrants.
17. States should establish or enhance appropriate channels for regular and orderly migration, and issue visas in the countries from which migrants originate and through which they transit, as a way to reduce the danger posed by smuggling organizations.
18. States are encouraged to develop and implement comprehensive national policies on migration to prevent the smuggling of migrants, including, where relevant, considering the creation of multisectoral public institutions, in cooperation with civil society and migrants, and build capacity in order to fully implement those policies.
19. States should recognize that children and adolescents who are the object of smuggling, especially those who are unaccompanied, are particularly vulnerable. States should take measures to protect them and safeguard their rights, with due regard for the principle of the best interest of the child.
20. States should raise awareness of the risks involved in the criminal activities carried out by migrant smugglers, informing migrants about their rights and the applicable procedures, and develop mechanisms for the identification and protection of unaccompanied migrant children, in cooperation with international organizations and relevant civil society actors.
21. States should provide protection to unaccompanied children under the supervision of the relevant administrative authorities or juvenile courts, including through the appointment of guardians, who may be volunteers.
22. States of origin, transit and destination should cooperate, to the extent possible, in order to trace and identify the families of unaccompanied migrant children.
23. States should endeavour to provide specialized care to unaccompanied children and adolescents who are in the process of being repatriated such as by transferring them to an appropriate and safe place; informing them of their rights and of the prime objective of safeguarding their physical and psychological integrity; having them interviewed by qualified authorities, taking into consideration their gender and age; and providing, if needed, basic emergency medical and psychological services.
24. States should consider including among their national migration practitioners personnel specifically trained in the rights of children and women at risk of becoming the object of smuggling.

25. States of origin should consider, as a preventive measure, the implementation of exit authorization for separated or unaccompanied children in accordance with their domestic laws and regulations.
26. States are encouraged to combat travel document and passport fraud, which facilitates the smuggling of migrants, by utilizing counterfeit link analysis to compare and classify seized counterfeit documents in order to identify the source of fraudulent documents.
27. To detect fraudulent travel documents and combat travel document fraud, States are encouraged to utilize innovative tools and automated systems, including databases such as the stolen and lost travel document database of the International Criminal Police Organization (INTERPOL), the Digital INTERPOL Alert Library-Document system, known as Dial-Doc, and the work of the International Civil Aviation Organization relating to travel document security, allow countries to share global alerts on newly detected forms of document counterfeiting.
28. States should seek to establish, where appropriate, bilateral cooperation arrangements with known source, transit and destination countries, and to establish relationships, including through liaison officers, with relevant law enforcement and criminal justice practitioners, commercial carriers, and private industry, in order to effectively counter the smuggling of migrants.
29. States are encouraged to consider cooperating with relevant civil society organizations and to utilize communication campaigns to increase public awareness of the fact that the smuggling of migrants is a criminal activity frequently perpetrated by organized criminal groups for profit, and that it poses serious risks to the safety, security and health of migrants.
30. States are encouraged to be aware of how their national laws and policies may create incentives for irregular migration, particularly for unaccompanied migrant children, or may be used as a tool by smugglers to attract potential migrants.
31. States should recognize the consequences of the conduct of transnational criminal organizations involved in the smuggling of migrants, including in cases where public officials are corrupted.
32. States should consider that the activities of transnational criminal organizations involved in the smuggling of migrants could, in some cases, directly or indirectly provide financial support to other types of organized criminal groups and terrorist organizations.
33. States should deepen their understanding of the modus operandi of the transnational organized criminal groups involved in the smuggling of migrants and the consequences of their activities, in order to strengthen the crime prevention and criminal justice responses at the national, regional and international levels.
34. States should strengthen their capacity to launch and conduct proactive financial investigations to seize and recover criminal assets in smuggling of migrants cases. Their efforts should include ensuring better and more systematic links between financial intelligence units, law enforcement agencies and the judiciary, in order to counter the financing of organized criminal groups. To this aim, States should also step up their cooperation with financial institutions such as banks, credit transfer service providers and credit cards issuers.
35. The Conference should encourage effective engagement of States in all appropriate bilateral, regional and global forums, while avoiding unnecessary duplication of efforts, in order to foster the gathering and exchange of knowledge and best practices on financial investigations and responses targeting the criminal proceeds of the smuggling of migrants.
36. States should promote international legal and police cooperation, especially in the investigation of high-profile criminal networks involved in the smuggling of migrants and in mistreating and committing violence against smuggled migrants.

37. States should consider requesting the Secretariat to collect information and prepare a comprehensive global report on the smuggling of migrants, in close coordination and consultation with States.
38. The Conference should consider all options to ensure that reliable and consistent information is provided about the effective implementation of the Organized Crime Convention and of the Smuggling of Migrants Protocol, with a view to identifying gaps and needs for technical assistance and highlighting successful experiences and good practices.
39. States are encouraged to conduct studies and field research to determine the features and characteristics of migrant smugglers. The findings of such studies may be helpful in drafting practical recommendations that address the smuggling of migrants, especially children.
40. States should promote the use of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) to facilitate the exchange of information on the implementation of the Smuggling of Migrants Protocol.
41. States should continue supporting the United Nations Office on Drugs and Crime in accomplishing its mandate with regard to the implementation of the Smuggling of Migrants Protocol.

IV. Fourth meeting, Vienna, 11 to 13 September 2017

1. States parties are encouraged to strengthen implementation of the United Nations Convention against Transnational Organized Crime and the Smuggling of Migrants Protocol, especially with reference to corruption, money-laundering and confiscation of the proceeds of crime.
2. States parties are encouraged to enhance efforts to confiscate the proceeds of crime related to the smuggling of migrants, and are encouraged to address the linkages between the profits arising from migrant smuggling and other forms of crime.
3. States parties are encouraged to set up mechanisms whereby information on cases involving the smuggling of migrants can be quickly and effectively shared between authorities on a national, regional and international basis.
4. States parties should ensure that data from a broad range of sources, including data from phones, computers, videos, pictures, and email, and data regarding financial flows, are gathered, analysed and shared in investigations and prosecutions of smugglers.
5. States parties should ensure that measures are in place to best facilitate the gathering of evidence in migrant smuggling cases, including through special protection for witnesses throughout the investigative and judicial process.
6. States parties should seek to train, including through the delivery of technical assistance, practitioners in the use of formal and informal legal cooperation, including the use of the United Nations Convention against Transnational Organized Crime when required as a legal basis for extradition and mutual legal assistance, in combating the smuggling of migrants.
7. States parties are encouraged to establish, in accordance with their national law, joint investigation teams through bilateral or multilateral agreements and to make use of special investigative techniques in combating the smuggling of migrants.
8. States parties should make maximum use of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime, such as article 13 on international cooperation for purposes of confiscation, which should be viewed as augmenting article 12 on confiscation and seizure, to facilitate international cooperation to confiscate assets wherever they may be found.
9. States parties are encouraged to make full use of mutual legal assistance tools, noting that informal bilateral consultations have proved to be effective in facilitating the provision of assistance, in particular by facilitating prompt responses to requests for evidence and other assistance.
10. States parties should ensure that they comply with the requirements under the Smuggling of Migrants Protocol to inform the Secretary-General of the national authorities designated to assist in the identification of vessels involved in migrant smuggling at sea, and consider, where appropriate, entering into bilateral agreements to facilitate rapid real-time coordination and cooperation during maritime operations.
11. States parties, in line with their national legislation and the Protocol, should ensure that commercial carriers operating in air, on land and at sea are aware of their responsibilities as carriers and of the risks and consequences of migrant smuggling.
12. Bearing in mind recommendation 11, States parties should also consider adopting awareness-raising measures applicable to other commercial entities not engaged in passenger transportation that might be misused in migrant smuggling.
13. Keeping in mind that the “financial and material benefit” is the purpose of smuggling of migrants within the international definition as set in the Smuggling of Migrants Protocol and, often, the reason why migrants’ lives are put at risk, States parties should, as appropriate, prioritize investigations and prosecutions of migrant smuggling cases where there is a clear financial benefit.

14. States parties should work to increase awareness of the value of following financial flows regarding migrant smuggling cases.
15. States parties should ensure that they are complying with their obligations under article 18, including seeking to ensure they facilitate and accept, without undue or unreasonable delay, the return of smuggled migrants who are its nationals or who have the legal rights of permanent residence in its territory, at the time of return.

V. Fifth meeting, Vienna, 4 and 5 July 2018

1. States parties should:

(a) Facilitate, where possible, capacity-building assistance directed at training competent law enforcement and criminal justice authorities in combating smuggling of migrants;

(b) Identify focal points at the national level, preferably within specialized competent services, for addressing the smuggling of migrants, and facilitate regular exchanges of best practice between those focal points;

(c) Take measures to build trust with smuggled migrants, with the aim of facilitating cooperation with law enforcement officials;

(d) Take measures, consistent with their obligations under the Protocol, to ensure a comprehensive criminal justice response regarding the smuggling of migrants addressing appropriate measures to prosecute the smugglers, together with measures to protect smuggled migrants, especially children and adolescents who have been the object of the conduct set forth in article 6 of the Protocol.

2. States parties should consider:

(a) Promoting effective international cooperation, including mutual legal assistance, and the exchange of information, between countries of origin, transit and destination, on smuggling of migrants cases, including through and in accordance with the Organized Crime Convention;

(b) Responding to the transnational criminal networks involved in migrant smuggling cases through cooperation and information-sharing between law enforcement authorities in source, transit, and destination countries, and provide training to enable these types of transnational investigations, consistent with the goals of the Organized Crime Convention and the Smuggling of Migrants Protocol;

(c) Ensuring mutual legal assistance at the regional level between judicial authorities, as appropriate, including through existing networks and mechanisms;

(d) Where appropriate and in accordance with domestic legislation, seconding representatives of competent authorities, including liaison magistrates and other experts, between countries along the same smuggling route, with the aim of facilitating contact and sharing information on criminal networks involved in the smuggling of migrants, and following up on requests for mutual legal assistance;

(e) Promoting effective communication with consular officers, as appropriate and in accordance with the Protocol and the Vienna Convention on Consular Relations, to facilitate assistance to smuggled migrants;

(f) Establishing regional and bilateral cooperation agreements, as appropriate, to facilitate assistance to smuggled migrants of countries that do not have diplomatic representation in the territory where the person object of this crime is located;

(g) Providing the Conference of the Parties with information related to emerging forms, challenges and international cooperation tools in smuggling of migrants cases, including data on the implementation of the Smuggling of Migrants Protocol or the Organized Crime Convention to combat the smuggling of migrants;

(h) Strengthening where necessary capacity-building and training efforts, including of immigration and border management officials, as well as information-sharing between border management authorities in origin, transit and destination countries, as a key component of any effective strategy to tackle the crime of the smuggling of migrants;

(i) Providing technical assistance to countries along migrant smuggling routes in accordance with article 14, paragraph 3, of the Protocol;

(j) Providing bilateral, regional and international training opportunities to enhance the capacities of national competent authorities to prevent and counter migrant smuggling, including through the use of mock investigations and trials;

(k) Reviewing domestic procedures and practices related to international cooperation to enhance mutual legal assistance in investigations, cross-border collaboration, prosecutions and judicial proceedings where appropriate, related to the smuggling of migrants, and facilitate consultation in the context of extradition requests in accordance with applicable international and domestic law.

3. States parties should address the underlying causes of the smuggling of migrants in a comprehensive, coordinated and direct manner at the national, bilateral, regional and international levels, taking into account the socioeconomic realities of migration and paying special attention to economically and socially depressed areas.

4. States parties should consider:

(a) Protecting and ensuring the rights and dignity of smuggled migrants while combating smuggling of migrants, giving particular attention to women and children;

(b) Establishing or enhancing appropriate channels and laws for regular and orderly migration, as a way to reduce the danger posed by smuggling organizations;

(c) Ensuring the full implementation of article 5 and article 6, paragraph 4, of the Protocol;

(d) Providing support to enable the United Nations Office on Drugs and Crime (UNODC) to increase its efforts to counter smuggling of migrants, in particular technical assistance to build related competent authorities' capacities and knowledge;

(e) Contributing to the extent possible to the UNODC Case Law Database on the Smuggling of Migrants.

5. The Working Group recommended that the Conference of the Parties consider adopting the questionnaire on the smuggling of migrants as approved by the Working Group.
