



**UNODC Contribution to International Efforts to
Address the Smuggling of Migrants across the Mediterranean**

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**Strategy for the Building of Capacity of North African Countries through an Integrated
Response**

January 2015

Introduction

Fifteen years ago the international community agreed to define and create the obligation to criminalize the smuggling of migrants in the Protocol against the Smuggling of Migrants by Land, Air and Sea (Smuggling of Migrants Protocol) supplementing the United Nations Convention against Transnational Organized Crime (UNTOC). Today three quarters of UN Member States have become Parties to the Smuggling of Migrants Protocol, that, despite presenting challenges in its implementation, remains the only international instrument to guide States' cooperative response to address the facilitation of irregular migration by organized crime groups.

The smuggling of migrant is one of the major challenges to Member States in the Mediterranean region these last years. The new modus operandi witnessed in 2014 in the Mediterranean Sea with the use of mother boats and ghost ships confirms the involvement of organized crime networks in the smuggling operations. In its maritime form, the risks to the migrants' life and safety is dramatically increased and the burden on States to fulfil their international obligations in regard to the Smuggling of Migrants Protocol, the law of the sea (eg. SAR - Search and Rescue), refugee law and human rights law is ever greater. According to the United Nations High Commissioner for Refugees (UNHCR), more than 207,000 persons crossed the Mediterranean in 2014. This is already three times more than at the height of the Libyan crisis in 2011.

Since 2008, UNODC has supported States better address the smuggling of migrants and trafficking in persons in line with the Protocols to the UNTOC in countries of origin, transit and destination in West and North Africa. The strategic approach offered in this document aims to initiate further discussions with relevant counterparts and donors and is fully in line with UNODC's mandates and on-going and planned activities.

Situation analysis

Migration from Africa to Europe attracted much attention in the wake of dramatic events in 2005 around the Spanish cities of Ceuta and Melilla on the Moroccan coast and, later around Lampedusa, a small Italian island in the Mediterranean off the coast of Tunisia. Over the past years, media regularly reported the often deadly journeys undertaken by young African migrants trying to reach Europe from West Africa and the Horn of Africa by crossing the Sahara desert or embarking on uncertain journeys in flimsy boats on the Atlantic Ocean, the Mediterranean Sea, or the Gulf of Aden. More recently, the Arab Spring uprisings and the socio-political challenges the concerned countries are facing, as well as security challenges in some countries in North Africa, in the Sahel and the Horn of Africa, and political unrest and conflict in the Middle East have contributed to increasing flows of migration from and through that region. Those flows are hence mostly mixed with migrants on the move for economic motives travelling alongside refugees and asylum seekers looking for international protection. In 2014, UNHCR reported that half of the arrivals by sea to Italy were of asylum seekers from Syria and Eritrea.

Organized crime networks use North African countries as important transit routes and embarkation points when smuggling migrants from West, Central and East Africa, but also from the Middle East to Europe. North African countries are also countries of origin of smuggled migrants heading towards Europe. The well-established criminal networks in this region further spur migration and expose smuggled migrants to abuse, exploitation and deadly risks. Children and women are particularly vulnerable to becoming victims of trafficking in persons. The criminals' profits contribute to fuelling corruption and empowering organized crime, thereby adversely affecting societies as a whole.

Smuggling flows in the Mediterranean region originate from different parts of Africa and the Middle East, first towards points on the African coast and from there, to Europe. There are three main routes to reach Europe from the African continent:

1. By sea/land through Morocco to southern Spain, Ceuta and Melilla
2. By sea from North African countries to southern Italy and Malta
3. By sea/land from Turkey to Greece¹

During the last years, there has been a sharp increase in the detection of illegal border crossings to Europe. There were more than 90,000 detected illegal border crossings at the EU external borders during the first six months in 2014. One year earlier in 2013, the corresponding figure was around 34,500. Particularly the sea borders were heavily affected, since they accounted for over 80% of the illegal border crossings during the first six months of 2014. This increase is significant, as in 2014 there have been around six times more detected illegal sea border crossings than one year ago. Three quarters of all illegal border-crossing detections were reported in the Central Mediterranean area². Italy reported a more than eightfold increase in detections of illegal border-crossings, while the number in Greece more than doubled.³

The Arab Spring and its aftermath, as well as other conflicts have significantly contributed to the sharp increase of migration to Europe. The growing diversity of nationalities arriving in Italy from conflict areas through Libya and Tunisia suggests that conflict-driven migration is becoming more prominent. In the period from April-July 2014, detections of Syrians increased sevenfold in the Central Mediterranean in compared to the period January-March 2014. Also the situation of Syrians seeking refuge in Egypt has become difficult, leading them to leave in massive numbers to Libya hoping to find an opportunity to reach Italy by boat.⁴ Mobility related to conflicts often creates vulnerabilities which may lead to situations where criminals try to profit from people leaving their home countries. In addition to smuggling, persons can also be trafficked as shown in the recent UNODC study⁵ which found that during the period from 2011-2013, eight countries reported having detected Syrian victims of trafficking in persons. Victims from Syria were very rarely detected before the beginning of the Syrian turmoil.

¹ UNODC (2010) *The Globalization of Crime*, p. 71.

² Central Mediterranean route refers to the migratory flow coming from Northern Africa towards Italy and Malta through the Mediterranean Sea. Libya often acts as nexus point where migrants from the Horn of Africa and Western African routes meet before embarking on their journey towards the EU. Syrians, Eritreans and Somali are among the top three nationalities using this route to arrive to Italy and Malta through Libya in 2013.

³ Frontex (2014) *FRAN Quarterly*, Quarter 2, April-June 2014

⁴ Frontex (2014) *FRAN Quarterly*, Quarter 2, April-June 2014

⁵ UNODC (2014) *Global Report on Trafficking in Persons*, p. 42.

Migrant smuggling flows through North Africa to Europe often originate south of the Sahara desert. In accordance with the UNODC Transnational Organized Crime Threat Assessment for Eastern Africa (Sept. 2013) an estimated 500 Eritrean migrants are smuggled monthly across the border into Sudan on their journey to Europe via Libya or Egypt. The report also noted the high risks the northern route posed to migrants' life and safety based on numerous allegations of kidnapping, extortion and ill-treatment by organized crime groups.⁶ In 2014, smuggled migrants from Eritrea and other sub-Saharan countries (mainly Nigeria, Gambia, Mali) were half of all arrivals to Italy by sea. Very few nationals from North African countries were among these arrivals, hence showing that at least in 2014, North African countries were primarily transit countries (source: UNHCR).

UNODC's Mandate

As the guardian of the United Nations Convention against Transnational Organized Crime and its supplementary protocols, UNODC's primary goal with respect to addressing migrant smuggling, is to promote global adherence to the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol), which to date counts 141 States Parties, and assist States in their efforts to effectively implement it. The Smuggling of Migrants Protocol aims to:

- Prevent and combat the smuggling of migrants;
- Protect the rights of smuggled migrants; and
- Promote cooperation between States Parties to that end.

The mandate of UNODC has been reiterated in several resolutions of the Conference of the Parties to the UNTOC (Resolutions 6/3 and 5/3 *Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing UNTOC*) as well as ECOSOC Resolution 2014/23 on *Strengthening international cooperation in addressing the smuggling of migrants*, sponsored by Italy at the CCPCJ. This resolution welcomes UNODC's work on the issue and encourages the undertaking of further technical assistance to enhance the capacity to criminalize, investigate and prosecute the smuggling of migrants. It furthermore calls upon States to use UNODC's tools and assistance and requests UNODC to strengthen collaboration and cooperation with all relevant UN and other organizations to adopt a comprehensive and coherent approach. Resolutions adopted at the 69th session of the General Assembly reiterated the same message. Of note, the extra-budgetary funds required in 2014 to implement UNODC's mandate within the ECOSOC resolution amounted to over US\$ 1.6 million but until 31 December 2014 only US\$300,000 were pledged by US/INL⁷.

At the global level, UNODC adopted a Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants in 2012. The Strategy focuses on: (1) Research and Awareness Raising, (2) Promotion of the Protocols and Capacity Building, (2) Strengthening of

⁶ UNODC Transnational Organized Crime Threat Assessment for Eastern Africa (Sept. 2013), p. 13

⁷ Funding was pledged to undertake a regional workshop against migrant smuggling by sea in the Americas and focused training on document fraud in airport hubs in Africa. The activities will be implemented jointly by the Global Programme against the Smuggling of migrants (GLOT92) with the Global Maritime Crime Project (GLOX99) and the Global Scientific and Forensic Services Programme (GLOU54).

Partnerships. The Strategy is linked to the UNODC Thematic Programme on Action Against Transnational Organized Crime (2014 - 2016), Sub-Programme 3: Human Trafficking and Migrant Smuggling. UNODC has developed a Global Programme of technical assistance against migrant smuggling to assist Member States implement the Migrant Smuggling Protocol and to operationalize the UNODC Thematic Programme and Strategy (Global Programme).

At the regional level, UNODC in partnership with the League of Arab States has commenced the development of a new Regional Programme for the Arab States (2016-2020), based on lessons learned and priorities identified by Member States (Regional Programme). With migrant smuggling expected to be a major priority, the new Regional Programme will provide a wider framework to link this response to efforts against other forms of organized crime in the region.

UNODC's response

The acute situation in the Mediterranean has galvanized the international community to act, to address the challenges posed by irregular migration and confront the criminal networks that are increasingly putting migrants at risk.

UNODC, building on its expertise and experience with supporting Member States to implement the UNTOC and its protocols, is well placed to contribute to these efforts.

Over the last years, UNODC has been increasingly active in the fight against migrant smuggling and human trafficking across the Mediterranean, notably through the Global Programme against the Smuggling of Migrants, the Global Programme against Trafficking in Persons and under the Regional Programme for the Arab States (2011-2015).

The EU-funded regional project “*Strengthening the Criminal Justice System Response to Smuggling of Migrants in North Africa*”, otherwise called Impact project (EUR 2,2 millions), which ended in 2013, focused on Algeria, Egypt, Libya, Morocco and Tunisia. The Project contributed to identifying gaps and developing recommendations for the harmonization of the legislative framework in the focus countries with the Smuggling of Migrants Protocol. National capacity building workshops were held to strengthen law enforcement, judicial and prosecutorial capacities. Several international meetings brought together representatives from North African and European countries to promote law enforcement and judicial cooperation, to lay the groundwork for information exchange networks in the region and beyond, as well as to promote the role of NGOs. Notably, the project contributed to a better understanding of the phenomenon of migrant smuggling in the Mediterranean through the development of two studies on ‘*Smuggling of Migrants in the South-East Mediterranean region*’(and ‘*The Smuggling of Migrants in, from and through North Africa. A thematic Review and Annotated Bibliography of Recent Publications*’. Under the project, partnership and coordination with institutions with technical expertise in relevant areas including EUROPOL and INTERPOL, were also strengthened.

UNODC seeks to comprehensively address migrant smuggling through a strategic and integrated response encompassing the following mutually reinforcing actions: :

- Undertaking **research, analysis and assessments** to identify trends and flows, and gaps in Member States' responses;
- Strengthening **national capacities** of Member States to bring their legislation in line with the Protocol and to develop an effective criminal justice response based on the established data;
- Promoting **regional and inter-regional cooperation** to help ensure that strengthened national capacities responses do not result in displacement of routes and greater risk to smuggled migrants;
- Ensuring alignment and synergies with existing **coordination mechanisms to address the challenges at the global level**; and
- Raising awareness and building capacities to ensure the **protection of the rights of smuggled migrants** as a priority across all areas of activity.

This comprehensive response will make full use of UNODC's network of field operations in the region, as well as the Office's extensive experience in countering the activities of transnational organized crime networks, including through measures to address money laundering and corruption.

I. Setting the Scene: Research, Analysis and Assessments

UNODC's studies on the smuggling of migrants in the Mediterranean Sea⁸: developed under the Impact Project preceded the major political changes that swept the region with the Arab Spring.

There is a need for an up-to-date analysis of the current situation in terms of national stakeholders involved in combatting migrant smuggling due to the many political and structural changes that took place in the countries of the region. As smuggling trends often shift to adapt to the criminal justice response in countries concerned and to the demand for smuggling services, more research is also needed in order to increase information on the profiles of smuggled migrants as well as smugglers, the *modus operandi* of smuggling networks and the effectiveness of current responses by the criminal justice system.

For a better understanding of the dynamics and trends of migrant smuggling in the Mediterranean basin, and to ensure a knowledge-based response that takes full account of the actual needs and capacity in the region, UNODC would conduct a study based on both quantitative and qualitative data collection on smuggling of migrants, and an assessment of the criminal justice response (incl. normative and institutional frameworks) of North African countries in addressing these challenges.

UNODC Activities foreseen in the medium-term and subject to funding:

- MENA – Conduct **study** on patterns and flows of smuggling of migrants in the Mediterranean area.

⁸ 'Smuggling of Migrants in the South-East Mediterranean region' (unpublished) and 'The Smuggling of Migrants in, from and through North Africa. A Thematic Review and Annotated Bibliography of Recent Publications'

- MENA – Assess national capacities in the MENA region.

II. Enhancing national capacities and legislative frameworks

Legislative framework

With the exception of Morocco all other North African States are parties to the Smuggling of Migrants Protocol. Looking at the wider region including East and West Africa, from a total of 35 participating⁹ African countries in the Rabat and the Khartoum Processes, 25 countries are party to the Protocol. With the exception of Ireland, all European Union countries are State Parties.

Despite the high level of ratification, very few States Parties have fully transposed the Protocol provisions in domestic legislation. The MENA region is no exception, as demonstrated by a recent UNODC preliminary gap analysis in Egypt, Libya and Tunisia.

A common framework between countries affected by the same smuggling route is an essential feature of effective action against the crime. When countries do not have the same understanding of a crime, their cooperation is seriously hampered. Most countries in the region have legal provisions prohibiting the facilitation of irregular migration. Yet these provisions usually do not include the profit element as required by the Smuggling of Migrants Protocol to ensure that criminal networks - and not individuals acting for humanitarian reasons - are targeted. The lack of proper definition of migrant smuggling in national laws results in handling smuggling ventures as simple violations of migration procedures while at the same time smugglers are not subjected to deterring sentences, confiscation of their assets, and dismantling of their networks.

UNODC provide technical assistance to Member States to undertake gap analysis, needs assessment and align national legislation with the obligations ensuing from the Smuggling of Migrants Protocol as well as other international instruments. In this respect, UNODC organized in 2013 a legislative assistance workshop in Libya to identify gaps and advise on the necessary amendments to existing laws. UNODC has also provided guidance on legislative drafting for human trafficking and migrant smuggling legislation to Algeria and Morocco. Further analysis of the gaps in the national legislation is necessary both in MENA countries as well as in origin countries in West, Central and East Africa, prior to providing legal guidance to develop legislation compliant with the Smuggling of Migrants Protocol.

UNODC Activities foreseen in the short-term and subject to funding:

- Algeria, Egypt, Jordan, Lebanon, Libya, Morocco, Tunisia – Support the **development of legislation** on migrant smuggling.

Capacity building

⁹ Algeria, counted among the 35 countries, has an observer status.

At the national level, a wide range of stakeholders is likely to be involved in addressing the smuggling of migrants. However, they often have limited understanding of the crime itself, or of their role in preventing and combating the smuggling of migrants and of their responsibilities towards smuggled migrants and refugees.

Front-line officers at sea ports, land borders and airports need to go beyond border control and acquaint themselves with the identification of smuggling ventures and assistance needs of the persons who have been smuggled, as well as, refer those cases for further investigations, including financial investigations, and direct refugees and migrants in need of protection to the appropriate services. Prosecutors and judges need to be able to effectively apply the legal framework provided by the Protocol.

Furthermore, political turmoil in North African countries has an unintended serious impact on concerned Ministries and their personnel many of whom have been trained by UNODC on investigating and prosecuting migrant smuggling but have been subsequently transferred to other positions or removed from service.

Since 2009, Algerian, Egyptian, Libyan and Moroccan criminal justice practitioners have benefited from UNODC training on investigating and prosecuting the smuggling of migrants and human trafficking that increased their understanding of those crimes and their role in addressing them.¹⁰ However in-depth and specialized training, as well as train the trainers workshops are still needed in the region to ensure sustainability and increase impact.

UNODC continues enhancing the capacity of criminal justice practitioners to prevent, investigate and prosecute migrants smuggling while upholding migrants rights at the national level in the MENA region, as well as in origin countries in West, Central and Est Africa, through dedicated workshops.

In November 2014, UNODC delivered a capacity building workshop for middle and high-ranking law enforcement officers from Egypt's border regions to combat illicit cross-border trafficking in including smuggling. The workshop which was organized in cooperation with Egypt's Homeland Security and Ministry of Interior addressed each element of an effective response to the threats posed by trafficking in firearms, drugs and human beings, i.e. from criminal analysis and information sharing to specialized organized crime investigation techniques. Special emphasis was placed on best practices in cross-border, regional and international law enforcement cooperation.

In November 2014 UNODC also held a training in Sudan for the National Anti-Trafficking in Persons Committee, relevant Ministries and other state entities to strengthen the country's capacity to implement the new anti-human trafficking law adopted in March 2014. As Sudan is a key transit place for migration flows from the Horn of Africa to North Africa, migrant smuggling was also addressed including the potential international protection needs of victims of human trafficking and smuggled migrants. The training facilitated the identification of specific challenges faced by practitioners and policymakers.

¹⁰ Under the Impact project, three workshops were held in Morocco, three in Egypt, and one in Libya; under the global programme one workshop was held in Algeria.

In 2015, UNODC plans to undertake the following activities to support the building of the capacities to address migrant smuggling in selected countries in North Africa:

- **Egypt: Strengthening capacities of law enforcement officers to respond to human trafficking and the smuggling of migrants:** UNODC is enhancing the inclusion of migrant smuggling sessions in upcoming anti-human trafficking activities in the region. In Egypt the first training for border guards on human trafficking and migrant smuggling will be delivered in cooperation with the Egyptian Homeland Security.

Status: planned in early 2015

- **Algeria: Strengthening the capacity of Algerian criminal justice practitioners to combat migrant smuggling:** Building on earlier efforts to strengthen capacities through workshops on trafficking in persons and the smuggling of migrants, UNODC will provide assistance to Algerian authorities in building capacities for investigating and prosecuting migrants smuggling.

Status: planned in January 2015

UNODC activities foreseen in the short-term and subject to funding:

- All countries (Algeria, Egypt, Libya, Morocco, Tunisia) - **National capacity building workshops** on the international legal framework and other relevant regional and bilateral instruments, investigating and prosecuting migrant smuggling for criminal justice practitioners.
- All countries (Algeria, Egypt, Libya, Morocco, Tunisia) – **Specialized national capacity building workshops** for criminal justice practitioners.

III. Promoting regional and trans-regional cooperation

National efforts to counter the smuggling of migrants are often undermined by the lack of effective bilateral and multilateral mechanisms for information sharing and coordination of operational activities among law enforcement agencies, border control authorities and other relevant actors. In many instances, national and bilateral responses to migrant smuggling have only resulted in displacement of routes to other countries, and an increase in demand for smuggling services, as smuggling routes and methods adapt quickly to changing conditions such as more rigid visa regimes and reinforced border controls – often at increased risk to the safety of smuggled migrants.

UNODC facilitates regional and trans-regional cooperation on migrant smuggling between countries of origin, transit and destination and promotes the use of international cooperation on criminal matter including extradition, mutual legal assistance, transfer of criminal proceedings, etc. on the basis of UNTOC. Between 2009 – 2011, UNODC held four inter-regional workshops under the Impact project to facilitate such cooperation. The workshops brought together countries around the Mediterranean Sea to address police and judicial cooperation challenges.

In 2014, UNODC's Global Programme against Migrant Smuggling, UNODC organized jointly with IOM and OSCE a trans-regional workshop in Greece to address amongst others, the involvement of organized crime in the facilitation of irregular migration across the Eastern Mediterranean, challenges to cooperation and good practices.

UNODC activities foreseen in the medium-term and subject to funding:

- **Inter-regional training workshop** to strengthen border control, law enforcement and judicial cooperation on the migrant smuggling and human trafficking routes from the Horn of Africa to Libya and Egypt.
- **Regional workshop on promoting cooperation** and setting up a regional platform and identification of national focal points.
- **Network of training providers** in MENA and identification of centres of expertise.
- **Trans-regional meeting** on preventing and combatting the **smuggling of migrants by sea** in the Mediterranean.

IV. Contributing to a global response

Migrant smuggling is a transnational crime. Effective responses need to be comprehensive and to address amongst others, migration management and protection measures as well as development issues in origin countries and the insufficiency or lack of legal channels of migration to destination countries. UNODC has a specific expertise in criminal justice and works closely with a range of actors and partners (see Annex II) to address the numerous challenges that prevail in this regard.

In existing dialogues across the Mediterranean:

The European Union, together with the African Union, have created two inter-regional *fora* to promote dialogue between Africa and Europe and to address migration and development. UNODC works closely with both initiatives to increase synergy with other international and national actors and to ensure the buy-in of concerned States and regions.

Khartoum Process: The initiative covers major smuggling flows from the Horn of Africa towards North Africa and provides a collaboration framework to combat migrant smuggling and human trafficking, including through legal reform, capacity building and cooperation. Upon successful resource mobilization, UNODC could focus on supporting joint investigations, intelligence sharing, border control, and judicial cooperation among participating countries. UNODC could further focus on fighting corruption and fostering integrity in the judicial and law enforcement authorities of the countries of origin, transit and destination.

Rabat Process: This is an important platform for strengthening inter-regional cooperation in particular with regard to smuggling flows from West Africa towards the MENA region and Europe. Among other goals, it aims at promoting dialogue between countries of origin, transit and destination to tackle the criminal networks and protect vulnerable persons. While UNODC has been providing legislative assistance to Member States in West Africa to address this flow, a

stronger engagement is envisioned to strengthen national capacities and international cooperation in order to comprehensively address this challenge.

In origin countries and within regional strategies

Long-term engagement with, and support to, origin countries is essential for an effective response to the smuggling of migrants and the dismantling of the criminal networks that profit from this trade. To this effect, UNODC considers migration routes used by smugglers and aims to provide support along these routes for a multiplied effect.

West and Central Africa: UNODC is engaged through its global, regional and national programmes in West Africa, including in the Rabat Process countries. In particular, UNODC is drafting a strategy on trafficking in persons and migrant smuggling for the region, and is implementing a project to strengthen the capacity of the criminal justice to address organized crime, among others, in the Sahel region.

East Africa: UNODC implements a programme against trafficking in persons and migrant smuggling in Ethiopia and Djibouti that comprises a legal reform component, capacity building as well as referral systems for victims. UNHCR and IOM have developed a strategy on trafficking in persons and smuggling of migrants for the Horn of Africa to channel all activities related to these issues, in agreement with the African Union. UNODC is deploying efforts to become a major partner in its implementation.

UNODC continues supporting these two African regions to enhance their capacity through:

- **Assessments:** UNODC has assessed the legal frameworks and / or the criminal justice response to the smuggling of migrants in Benin, Cabo Verde, Chad, Djibouti, Ethiopia, Liberia, Togo, and Sierra Leone;
- **Legislative assistance:** UNODC supported the drafting of legislation on smuggling of migrants in Niger and Burkina Faso and is initiating a similar process in Sierra Leone. UNODC is also engaging in supporting Ethiopia and Djibouti review their legislation relating to the smuggling of migrants;
- **Capacity building:** UNODC has delivered workshops for criminal justice practitioners in West Africa both under a dedicated EU funded project that ended in 2013 and the Global Programme against Migrant Smuggling. In this respect, Ghana immigration authorities were trained in basic, in-depth and train the trainers workshops and they adapted UNODC training manuals to their training needs adopting them as part of their training curricula. UNODC also delivered specialized training workshops on links between migrant smuggling and other crimes such as money-laundering (Cameroon) and corruption (East Africa). Under an EU-funded national project, UNODC has also trained Nigerian authorities on migrant smuggling investigations.

IV. Ensuring assistance to smuggled migrants and protection of their rights

Sea crossing is a particularly dangerous *modus operandi* for smuggling migrants. Smugglers frequently overload boats for greater profit, use un-seaworthy boats or instruct migrants to

damage their boats to trigger rescue operations. The life and safety of migrants on board is often of little concern to the smugglers who appear to be extremely organized and developed schemes to improve efficiency of their criminal endeavors (eg. use of mother boats). This calls for both prompt reaction and extreme care by state authorities or merchant and private ships that come across such situations at sea.

Upon detection of a smuggling venture, front line officers have the additional challenges of identifying those in need of immediate assistance and caring for them, as well as of respecting their duty to protect certain categories of persons. In mixed migration flows, as in the flows from North Africa, the identification of the needs of the smuggled migrants on an individual basis is necessary to duly protect their rights. The persons smuggled may be entitled to international protection under the Refugee Convention; victims or witnesses of crimes during the smuggling ventures (aggravating circumstances) should be allowed access to justice; unaccompanied minors should be provided with special care; victims of trafficking need special assistance and protection.

UNODC supports through training the identification of the migrants needs, and works together with partners to develop appropriate referral mechanisms (eg. for refugees, for children, for victims of trafficking). All capacity building workshops delivered by UNODC on smuggling of migrants on the basis of UNODC training manuals are protection sensitive, promote a human rights based approach and include a dedicated session on protection and assistance. Partner organizations specialized in human rights and refugee law as well as civil society organizations are usually invited to contribute to UNODC capacity building workshops and/or legislative reform to ensure complementarity. Under the Impact project UNODC organized a regional workshop for MENA on the role of NGOs in Preventing the Smuggling of Migrants.

UNODC also actively contributes to ensuring a balanced response to the smuggling of migrants that is respectful of human rights, humanitarian law and refugee law. In December 2014, UNODC has contributed to UNHCR's Protection at Sea High Commissioner dialogue and UNODC's Executive Director signed a joint statement on protection at sea with five other partner organizations (IMO, IOM, OHCHR, UNHCR).

Prevention of migrant smuggling may also have a protective effect. The impact of awareness raising campaigns to prevent would-be migrants from using the services of smugglers is often questioned. However some prevention measures could be taken to inform migrants of their rights and protection and assistance measures available to them, and to encourage the general public via a balanced narrative to respect migrants and assist them when in need, instead of deterring humanitarian assistance and thus increasing the vulnerability of smuggled migrants. UNODC has experience raising awareness of transnational organized crimes that can be related to irregular migration. In the field of Human Trafficking, UNODC launched and manages the Blue Heart Campaign, a global campaign against Human Trafficking to raise awareness of this crime and its impacts on society. To date, the campaign has been adopted by 13 countries. The campaign's goal is to inspire people and mobilize support for action by international organizations, governments, civil society, the private sector and ultimately by individuals. The Blue Heart also aims to enable citizens to show their support to the cause and to increase understanding of, and

create urgency around, the issue of human trafficking in order to spur coordinated actions to fight it.

The role of the media in raising awareness on the smuggling of migrants, the profits this crime generates, the motives of the smugglers and the human rights abuse that migrants suffer is crucial. In 2008 under the Impact project, UNODC brought together journalists from the MENA region, as well as NGOs, international organizations and academics to attract their attention to the issue of migrant smuggling and contribute to increasing public awareness at a time when the phenomenon was not yet making the headlines in the region.

Awareness-raising activities subject to funding:

- **Flyers** with basic information for migrants
- **Media training**
- **Scoping survey** on the motivations and drivers behind the risk taking related to smuggling
- **Radio campaign** (including community radio)

V. Way forward in the medium to long term

Subject to funding, medium to long-term engagement, building on the on-going activities, is envisaged at the regional level.

To ensure the sustainability of the training delivered to enhance the capacity of criminal justice practitioners, UNODC training manuals would be adapted nationally and form the basis of dedicated modules on migrant smuggling in the curriculum of the training schools of the relevant authorities.

A permanent research observatory on the smuggling of migrants and related issues would be set up in the region and would be tasked with producing periodic reports and publications on trends and patterns.

In order to foster operational cooperation and information exchange, the establishment of a regional or inter-regional mechanism for the sharing of information and intelligence and for the promotion of joint operations against smuggling networks would be envisaged to complement existing formal regional mechanisms.

ANNEX – States Parties to UNTOC and relevant supplementing Protocols participating in the Rabat and /or Khartoum Process (European, North African and Sub-Saharan countries)

	UNTOC	TIP Protocol	SOM Protocol
<i>European countries</i> European Union + EU countries + Switzerland + Norway	All	All	All (except Ireland)
<i>African countries</i> (<u>underlined</u> : Rabat + Khartoum; <i>italic</i> : Khartoum only)	(32 parties and 1 signatory out of 35 states)	(32 parties and 1 signatory out of 35 states)	(25 parties and 3 signatories out of 35 states)
Algeria (observer)	x	x	x
Benin	x	x	x
Burkina Faso	x	x	x
Cabo Verde	x	x	x
Cameroon	x	x	x
Chad	x	x	
Cote d'Ivoire	x	x	
Central African Republic	x	x	x
Congo	sign.	sign.	sign.
Democratic Republic of Congo	x	x	x
<u>Djibouti</u>	x	x	x
<u>Egypt</u>	x	x	x
<i>Eritrea</i>	x	x	
<i>Ethiopia</i>	x	x	x
Equatorial Guinea	x	x	sign.
Gabon	x	x	
Gambia	x	x	x
Ghana	x	x	x
Guinea	x	x	x
Guinea-Bissau	x	x	sign.
Kenya	x	x	x
Liberia	x	x	x
<u>Libya</u>	x	x	x
Mali	x	x	x
Mauritania	x	x	x
Morocco	x	x	
Niger	x	x	x
Nigeria	x	x	x
Senegal	x	x	x
Sierra Leone	x	x	x
<i>Somalia</i>			
<i>South Sudan</i>			
<i>Sudan</i>	x	x	
Togo	x	x	x
Tunisia	x	x	x