

**30th Session of the CCPCJ PNI Workshop 2021 Organized by the United Nations
Crime Prevention and Criminal Justice Programme Network on “Lessons Learned:
Impact of the Migrant Smuggling Protocol Twenty Years Later”**

Monday, May 17, 2021 | 6 p.m. – 8 p.m. Vienna
Hybrid Format (Virtual Webinar & Vienna International Centre)

The 1st meeting of the Committee of the Whole, on 17 May 2021, was devoted to a workshop organized by the United Nations Crime Prevention and Criminal Justice Programme Network (PNI) on the topic of the Commission’s thematic discussion, “effective measures to prevent and counter the smuggling of migrants, while protecting the rights of smuggled migrants, particularly women and children, and those of unaccompanied migrant children”. The workshop was chaired by the Second Vice-Chair, H.E. Ms. Teodolinda Rosa Rodrigues COELHO, Ambassador and Permanent Representative of Angola to the United Nations (Vienna) followed by opening remarks delivered by John Brandolino, Director of the Division for Treaty Affairs, UNODC.

The Workshop was moderated by Joanne Macri, of the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR). Presentations were made by panelists, Morgane Nicot, Knowledge Development and Innovation Team Leader, Human Trafficking and Migrant Smuggling Section of the UNODC; Tuesday Reitano expert of ICCLR, GI-TOC, Natalia Ollus, Director of the European Institute for Crime Prevention and Control (HEUNI), Douglas Durán Chavarría, Director of United Nations Latin American Institute for the

Prevention of Crime and the Treatment of Offenders (ILANUD), and Prof. Yvon Dandurand, Senior Associate of ICCLR;. During the discussion, statements were also made by a representative of the United States and an NGO regarding recommendations to afford greater protections to the fundamental rights of migrants.

The PNI Workshop served as an opportunity to consider some of the lessons learned during the implementation of the Migrant Smuggling Protocol over the last twenty years or so. The Panel also noted that the COVID-19 pandemic has also had a significant impact on immigration, migrant smuggling, and the capacity of states to intervene.

As we have learned over the last 20 years, the law may posit a distinction between illegal migrants, victims of human trafficking, and refugees, but in practice, these three phenomena often overlap. That complexity is further exacerbated by national legislation supporting the Migrant Smuggling Protocol that, in many instances, does not contain the financial or other material profit element contained in the international definition of smuggling. It was also noted that, in too many instances, the repression of migrant smuggling and illegal immigration turns into the repression of immigrants. Also of concern, is the extraordinary high level of violence associated with irregular migration, much of which is a result of the actions of migrant smugglers.

Member States, it was suggested, need to continue to explore alternative approaches to the prevention of migrant smuggling and the control of immigration. Different strategies concerning the use of technology were also suggested, including information and communications technology, to prevent and investigate the smuggling of migrants and to mount a robust response to the increasing use of cyberspace by criminal groups.

The workshop deplored the lack of data on the nature and extent of international cooperation in preventing migrant smuggling and on the results achieved to date through that cooperation.

The PNI hopes that the conclusions of the workshop's, together with today's discussion, will contribute to the discussions that will take place during the formal review by State parties of the Migrant Smuggling Protocol.

Thank you.