



## Contribution to International Efforts to Address the Smuggling of Migrants across the Mediterranean: Strategy for the Building of Capacity through an Integrated Response<sup>1</sup>

15 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 United Nations Member States (142) have become Parties to the Smuggling of Migrants Protocol which, 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 criminal groups.

People moving in mixed migration flows from West and North Africa, the Horn of Africa and the Middle East have been trying to reach Europe by transiting through the Sahara desert and the Mediterranean over the past years. Migrant smuggling has become one of the major challenges to Member States in the Mediterranean region. In 2015, over 750,000 people crossed the Mediterranean Sea, a **three-fold increase** since 2014.<sup>2</sup> Recent socio-political and security challenges, as well as political instability and conflict have exacerbated the phenomenon by rendering conflict-driven migration more prominent. The conflict in Syria, in particular, has resulted in a sharp increase in the number of refugees trying to seek shelter outside the region throughout 2015.

The **criminal networks** engaging in the smuggling of migrants are profiting from this situation, exposing smuggled migrants to abuse, exploitation and deadly risks. They quickly shift their routes and after mainly impacting the Central Mediterranean region for the first half of 2015, they are taking a high toll on South Eastern European countries in the second half of the year. Currently, the smuggling routes in the region are converging towards weak points in Libya and Turkey, where smuggled migrants embark on perilous journeys by sea towards the shores of Europe. In its **maritime form**, the risks to the migrants' life and safety is dramatically increased – over 3,000 people are believed to have perished at sea in 2015<sup>3</sup> – and the **burden on States to fulfil their international obligations** in regard to the Smuggling of Migrants Protocol, the law of the sea, refugee law and human rights law is ever greater.

<sup>1</sup> Revised November 2015

<sup>2</sup> By end October 2015. Source: UNHCR

<sup>3</sup> By end October 2015. Sources: UNHCR & IOM

Since 2008, UNODC has supported States to 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, East and North Africa, the Middle East, and South East Europe.<sup>4</sup> The strategic approach offered in this document aims to **initiate further discussions with relevant counterparts and donors** to implement the **priority actions** they have been identified through regional and transregional processes in the last year,<sup>5</sup> and is fully in line with UNODC's mandates and on-going and planned activities.<sup>6</sup> UNODC seeks to **comprehensively address the smuggling of migrants through a strategic and integrated response** encompassing **five mutually reinforcing actions** and making full use of UNODC's **network** of field operations in the Mediterranean region (with a focus on Southern and Eastern Mediterranean countries, and South Eastern European countries), UNODC's **partnerships** with regional and international organizations, as well as the Office's extensive **experience** in countering the activities of transnational organized criminal networks, including through measures to address money laundering and corruption.

### 1. Research, analysis and assessments

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 proposes to conduct (a) a study based on quantitative and qualitative data collection on smuggling of migrants patterns and flows; and (b) assessments of the criminal justice response to migrant smuggling (including normative and institutional frameworks) in impacted countries around the Mediterranean.

### 2. Enhancing national capacities and legislative frameworks

The majority of States around the Mediterranean are party to the Smuggling of Migrants Protocol, yet very few of them have fully transposed its provisions in domestic legislation. UNODC can support (a) the gap analysis of national legislation; and (b) the provision of legal guidance to develop legislation compliant with the Smuggling of Migrants Protocol.

Front-line officers need to go beyond border control and acquaint themselves with the identification of smuggling ventures and the assistance needs of smuggled persons, 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. UNODC can provide support by (a) building basic and in-depth capacity to this effect; and (b) deploying to this end UNODC Law Enforcement and Prosecution advisors to help create national pools of experts who can act as trainers, provide additional on-the-ground training, support operations (as needed), and foster exchange of experience and information.

### 3. Promoting regional and trans-regional cooperation

Cooperation is a key element for effective action against transnational crime that UNODC can provide support on through (a) inter-regional training workshops to strengthen border control, law enforcement and judicial cooperation on the migrant smuggling and human trafficking routes affecting the Mediterranean; (b) annual meetings of law enforcement and justice focal points on challenges and best practices; and (c) twinning programmes and the creation of networks to facilitate exchange of information.

### 4. Contributing to a global response

UNODC can (a) support the implementation of the priority measures identified by existing dialogues across the Mediterranean such as the Rabat and Khartoum Processes, the EU-AU Joint Action Plan, the Valletta Action Plan and the 17-point plan of action for the Western Balkans. UNODC can also (b) continue to engage in origin countries of relevance to the Mediterranean routes through the provision of legislative assistance, capacity building and strategy development.

### 5. Ensuring assistance to smuggled migrants and the protection of their rights

Beside (a) mainstreaming human rights components in its technical assistance, in particular for front-line officers; and (b) contributing to regional and international efforts to enhance assistance to smuggled persons (including refugees, unaccompanied minors, and victims of trafficking), and the protection of their rights, UNODC can support (c) prevention and awareness-raising measures such as media training, awareness-raising campaigns including flyers with basic information for migrants, and scoping surveys on the motivations and drivers behind the risk-taking related to smuggling.

<sup>4</sup> Through UNODC's Global Programmes and Regional Programmes in the regions concerned

<sup>5</sup> Khartoum Process, Rome Declaration, Rabat Process Declaration, Valletta Action Plan, EU Action Plan against Migrant Smuggling, 17-point Plan of Action on Western Balkans

<sup>6</sup> UNODC's mandate in this regard was recently reiterated in ECOSOC Resolution 2014/23 on 'Strengthening international cooperation in addressing the smuggling of migrants'

