Toolkit to Combat Smuggling of Migrants

Tool 10
Capacity-building and training
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Contents

Overview 1

10.1 Training and technical assistance 3
10.2 Training on combating the smuggling of migrants 7
10.3 Training on migration, irregular migration and forced migration 10
10.4 Specialized law enforcement training 12
10.5 Cooperation in relation to training and technical assistance 15
Overview

Tool 10 focuses on training and capacity-building as a means of combating and addressing the smuggling of migrants. It is divided into subsections as follows:

10.1 offers a brief overview of the training and technical assistance requirements set out in article 14, paragraph 1, of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;¹

10.2 provides some examples and resources for dedicated training on combating the smuggling of migrants;

10.3 highlights the need for understanding of wider migration issues, and offers some resources for training on migration, irregular migration and forced migration;

10.4 includes some examples of specific training for law enforcement officers and officials and also showcases some specialized human rights resources for training police officers;

10.5 highlights the Protocol requirement of increasing capacity through cooperation in technical and training assistance, and recommends some training tools for criminal justice practitioners.

10.1 Training and technical assistance

**Smuggling of Migrants Protocol**

**Article 14**

1. States Parties shall provide or strengthen specialized training for immigration and other relevant officials in preventing the conduct set forth in article 6 of this Protocol and in the humane treatment of migrants who have been the object of such conduct, while respecting their rights as set forth in this Protocol.

The key requirement of article 14, paragraph 1, of the Smuggling of Migrants Protocol is for States to provide or strengthen training to prevent the smuggling of migrants and to ensure that persons who have been smuggled are treated humanely.

This implies that training will need to be provided not only on the smuggling of migrants and related conduct, but also on human rights and other relevant issues.

Capacity-building measures should be built on:

- Prior assessment of the situation
- Clear delineation of the role of various agencies
- Understanding of existing knowledge and expertise
- Analysis of the roles and competencies required for the implementation of a comprehensive strategy

**Promising practice**


**Justification**

United Nations Office on Drugs and Crime (UNODC) missions have revealed that criminal justice systems are often inadequate when it comes to effectively combating the smuggling of migrants and dismantling organized criminal groups. The following factors have been identified in many countries:

- There is inadequate legislation against the smuggling of migrants
- Limited technical resources and equipment and inadequately trained personnel hamper the effective prevention and investigation of the smuggling of migrants and the prosecution and conviction of perpetrators
There is no coherent and institutionalized national framework to coordinate and prioritize action as well as to analyse information and share intelligence with a view to effectively countering the smuggling of migrants.

There is a lack of effective bilateral and multilateral mechanisms for information-sharing and coordinating operational activities among law enforcement agencies, prosecutors, the judiciary and other relevant actors.

Poor evidence-based knowledge about the perpetrators and criminal groups involved in the smuggling of migrants, including information about their modus operandi and smuggling routes, hampers the formulation of effective policies and operational measures to counter the smuggling of migrants.

The general public, and often the relevant authorities, do not perceive the smuggling of migrants as a criminal activity that poses serious risks to the migrants and the societies concerned.

Overall objective

The overall objective is stemming illegal migration by preventing and combating the smuggling of migrants from Africa to Europe, in line with the Smuggling of Migrants Protocol.

Specific objectives

Specific objectives include:

- Strengthening the criminal justice system response to the smuggling of migrants from African States by establishing adequate legislative frameworks
- Building the capacities of law enforcement officials and officers, prosecutors and the judiciary
- Strengthening international and regional cooperation
- Fostering prevention by raising awareness among relevant authorities and the general public.

Target groups

The target groups are:

- Policymakers
- Relevant regional and national authorities
- Law enforcement agencies, including border control and customs
- Prosecutors
- The judiciary
- The media

Expected results

The expected results are as follows:

- Legislative frameworks in line with the Smuggling of Migrants Protocol
• Research report on the smuggling of migrants through and from North Africa to Europe and country assessment reports on existing Governmental capacities to combat the smuggling of migrants
• Effective national cooperation mechanisms and national plans of action
• Improved skills of law enforcement officials, prosecutors and the judiciary, and the establishment of relevant training material and structures
• Establishment of specialized law enforcement units to counter the smuggling of migrants
• Establishment of mechanisms to systematically collect, analyse, develop and use information, as well as to generate and share criminal intelligence with relevant countries
• Improved operational capacity in regional and international cooperation in investigating and prosecuting the smuggling of migrants
• Increased awareness among political decision makers, relevant authorities and the general public of the fact that the smuggling of migrants is a criminal activity that poses serious risks to the migrants and societies concerned

Main activities

The main activities are:

• Implementation of research activities on the smuggling of migrants
• Establishment of assessments of the existing capacities of criminal justice systems with regard to combating the smuggling of migrants
• Assessment and drafting of legislation to counter the smuggling of migrants
• Assistance in national policy development and the establishment of coordination frameworks among the different actors
• Development of training curricula and provision of training to law enforcement officials, prosecutors and the judiciary; specialized training on generating criminal intelligence and proactive investigation techniques
• Establishment of law enforcement units to counter the smuggling of migrants
• Creation of activities to foster international law enforcement and judicial cooperation
• Creation of activities to raise awareness of the criminal aspects of the smuggling of migrants and of its adverse effects


Recommended resource


The main purpose of the Legislative Guides is to assist States seeking to ratify or implement the United Nations Convention against Transnational Organized Crime* and its supplementary Protocols. The Guides lay out the basic requirements of the Convention and the Protocols thereto, as well as the issues that each State party must address,

while furnishing a range of options and examples that national drafters may wish to consider as they try to implement the Convention and its Protocols. The Guides have been drafted to accommodate different legal traditions and varying levels of institutional development and provide, where available, implementation options.

10.2 Training on combating the smuggling of migrants


In the context of the Smuggling of Migrants Protocol, and as part of a larger, comprehensive response to the smuggling of migrants, UNODC launched a drafting process for basic training modules on preventing and combating the smuggling of migrants. The process was undertaken in cooperation with the International Criminal Police Organization (INTERPOL), the European Police Office (Europol), the United Kingdom Serious Organized Crime Agency and, most importantly, experienced practitioners working all over the world to investigate and prosecute those who are involved in the smuggling of migrants. Three working meetings were organized, involving investigators and prosecutors from 30 countries, representing both common and civil law countries. The Basic Training Manual is the result of that process.

The modules are the product of a broad participatory process involving experts from the fields of law enforcement and prosecution from several regions of the world. They are designed for use in the delivery of training to law enforcement officials and prosecutors on effective investigation and prosecution of cases of smuggling of migrants. The modules are based on the following thematic areas:

1. Concepts and categories of the smuggling of migrants and related conduct: definitions and the constituent elements of the offence of the smuggling of migrants and related conduct; and the main categories of modus operandi of groups involved in such activities;

2. Role of smuggled migrants and smugglers of migrants in investigations: debriefing smuggled migrants; protecting smuggled migrants as witnesses of crime; understanding the limitations of smuggled migrants’ role as witnesses; recognizing the challenges of seeking the cooperation of smugglers of migrants and smuggled migrants; and alternative sources of evidence.

3. Investigative approaches: points of entry for investigation; proactive and reactive investigation techniques; and disruptive techniques;

4. Financial investigations: parallel financial investigations; financial investigations in the pre-arrest phase; seizure of assets and confiscation of proceeds of crime; and the role of financial investigations in investigating the smuggling of migrants;

5. Covert investigative techniques: the use of informants; controlled delivery; and surveillance and undercover operations;

6. Intelligence: the types of strategic and tactical intelligence necessary to combat the smuggling of migrants and how to improve the gathering, analysis, use and sharing of information;
7. Legislative issues: regulatory and legislative background that is relevant when investigating and prosecuting; alternative offences that can be used to prosecute the smugglers of migrants in the absence of specific legislation; and rights of migrants;

8. International cooperation: informal cooperation mechanisms; formal mechanisms (mutual legal assistance); establishing joint investigation teams and inter-agency cooperation;

9. Human rights: those relevant to the investigation and prosecution of the smuggling of migrants, in particular the human rights of smuggled migrants and the rights of suspected smugglers of migrants; principles relating to the protection of refugees; and the role of law enforcement officials and prosecutors in protecting and promoting human rights.

These chapters are complemented by an example of a witness statement, some basic points to consider at the start of an investigation into the smuggling of migrants and a glossary of terms.

The purpose of the Manual is threefold. Firstly, it is a reference tool for self-study that provides a basic introduction to investigating and prosecuting the smuggling of migrants. Secondly, it can be used to deliver training to investigators and prosecutors on preventing and combating the smuggling of migrants. Thirdly, since there is no one solution to building capacity to investigate and prosecute the smuggling of migrants, the Manual provides a solid knowledge base that can be adapted to a country’s specific context. The Manual has been designed in such a way that individual modules can be adapted to the needs of different regions and countries, and can serve as the basis for upgrading or supplementing the training programmes of national training institutes. UNODC can assist national institutions in that adaptation process.

This publication is currently being prepared. For more information, visit www.unodc.org or contact ahtmsu@unodc.org.


Computer-based training is a form of e-learning that involves interactive CD-ROMs and lessons delivered via interactive television. In this way, students who are located in remote areas can learn practical skills at their own pace.

The UNODC e-learning training packages have been designed to enable law enforcement officials to enhance their skills, knowledge and awareness at their own pace and in their own language using state-of-the-art, interactive computer-based law enforcement training packages. Programmes are tailored for domestic legal circumstances, but also emphasize the regional and global impact of transnational organized crime.

UNODC is currently developing a module on the smuggling of migrants that will provide a basic understanding of the smuggling of migrants in order to improve students’ ability to detect and respond to the crime.

More information is available at www.unode-elearning.org.
Promising practice


UNODC, in cooperation with the French law enforcement body responsible for investigating the smuggling of migrants (Office central pour la répression de l’immigration irrégulière et de l’emploi d’étrangers sans titre) and the French prosecutorial body specialized in fighting organized crime (Juridictions interrégionales spécialisées), delivered a three-day training course on the smuggling of migrants for 22 Moroccan prosecutors. It was the first in a series of training courses for investigators and prosecutors that will be implemented under the Impact Programme, both on a national and regional level, in North and West Africa over a period of 12 months.

For more information on this and other training sessions and events organized by UNODC, visit www.unodc.org.

Recommended resources


The training *Manual* was developed in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. While the purpose of the *Manual* is to support prevention of trafficking in persons, the information contained therein is applicable to the smuggling of migrants.


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2 United Nations publication, forthcoming.
10.3 Training on migration, irregular migration and forced migration

In order for law enforcements officials and other actors to be able to respond better to the smuggling of migrants and to the smuggled migrants they encounter in their work, it is important for them to have an understanding of broader migration issues. This includes understanding issues with respect to smuggled migrants who may be refugees, and also the human rights of the migrants (and smugglers of migrants) they engage with in their work.

Promising practices

Southern African Migration Programme. Migration training.

Between 2002 and 2007, the Southern African Migration Programme teamed up with the University of Witwatersrand to offer regular courses on a range of migration-related issues for middle managers in the public and private sectors.

Shifts in the character of migration to and within the southern African region over the last decade pose significant challenges for effective management and good governance. The course was designed to build the capacity of government and civil society managers involved in migration issues and management.

www.queensu.ca/samp/Training.htm


The course, organized jointly by the Organization of American States (OAS) Department of International Law, the International Organization for Migration (IOM) and the International Labour Organization, was held on 6 March 2008. The course was designed to provide members of OAS permanent missions and of its general secretariat with an overview of the basic legal framework and international instruments at the intersection of international human rights law, international migration law and international labour law.


Recommended resources


The Manual provides a methodological approach, developed by the Office of the United Nations High Commissioner for Human Rights on the basis of experience gained from providing human rights training. The basic elements of the approach can be adapted
and modified for different target groups. The Manual is intended to offer useful guidance for the planning, implementation and evaluation of human rights training programmes for professionals.

www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx

Migration Citizenship Education

Migration Citizenship Education is an information platform that provides:

- Free online access to learning resources on migration, minorities and human rights
- Information on migration, minorities, asylum, citizenship, identities and human rights
- Country profiles
- Information on good practice projects and cooperation partners
- Support for those involved in education, politics, culture, media and society on issues related to migrants and migration policies in an enlarged Europe.

www.migrationeducation.org


The course, held in 2009, was aimed at aid, Government and military workers and other professionals involved in providing assistance to migrants and refugees.

The objective of the course was to provide participants with knowledge on the framework and fundamentals of migration, relevant legal tools and practical aspects. It included a combination of theoretical study and practical exercises, such as workshops, case studies and interactive role play. Participants were also encouraged to share their own experiences.

www.osce.org/training


Training resources, including self-study modules, on issues of refugee protection, human rights and resettlement.

www.unhcr.org/refworld/training.html


The Office of the United Nations High Commissioner for Human Rights offers several training manuals on human rights in general, as well as on specific human rights issues. For training manuals specifically aimed at law enforcement officials, see subsection 10.4.

For more information, visit www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx.
10.4 Specialized law enforcement training

Several operational law enforcement agencies are transferring their skills and sharing their experiences with partners in their own countries and in others. The delivery of specialized law enforcement training not only strengthens the expertise of law enforcement officers, but also promotes cooperation between them and their international counterparts. Below are some promising practices of specialized law-enforcement training.

Promising practices

Federal Law Enforcement Training Center, United States of America

The Federal Law Enforcement Training Center (FLETC) is part of the Department of Homeland Security of the United States of America. Established in 1970 as a consolidated federal law enforcement training facility to provide basic and advanced law enforcement training to United States federal agencies, its mission was later expanded to include state, local and international training.

The International Training and Technical Assistance Division of FLETC develops, coordinates, manages, and delivers international training and technical assistance. FLETC international programmes help build the law enforcement capacity of other States, fostering improved coordination and cooperation with the Department of Homeland Security and other United States law enforcement agencies in the fight against transnational crime.

www.fletc.gov

International Law Enforcement Academies

The International Law Enforcement Academies (ILEAs) are run by the United States Department of State and the host country. Academies have been established in Botswana, El Salvador, Hungary and Thailand.

ILEA Bangkok

The objectives of ILEA Bangkok are to support criminal justice institution-building in Asia, with an emphasis on rule of law, and strengthening partnerships and cooperation among law enforcement officials in Asia. The training that it offers addresses problems such as narcotics, terrorism and other transnational crimes, and promotes the use of global tools to combat crime, such as mutual legal assistance and extradition. ILEA Bangkok also provides specialized courses and senior criminal justice executive programmes on specific topics of interest and significance to Asia.
ILEA Budapest

The Academy offers training opportunities for up to 130 students at a time. It offers topical seminars and courses and law enforcement training.

ILEA Gaborone

ILEA Gaborone provides training for middle managers from member countries of the Southern African Development Community, East Africa and eligible countries in sub-Saharan Africa.

ILEA San Salvador

ILEA San Salvador aims to support criminal justice institution building and strengthen partnerships among the law enforcement community of the region. The training focus is on transnational crimes, human rights and the rule of law, with emphasis on trafficking in narcotics, trafficking in persons, terrorism, money-laundering and other financial crimes.

www.state.gov/p/inl/crime/ilea

Jakarta Centre for Law Enforcement Cooperation

The Jakarta Centre for Law Enforcement Cooperation (JCLEC) is located within the Indonesian National Police Academy in Semarang, Indonesia.

JCLEC is currently working on the design, development and delivery of six streams of international law enforcement education and training programmes. These will be aimed at law enforcement agency practitioners, including operational managers, middle-level and senior-level managers, and practitioners in specialized technical areas.

The Centre’s programmes will aim at achieving high standards of training and technical content. There will be courses, seminars and specialist workshops on practical, operational and investigative management skills, high-end investigations management and cross-jurisdictional liaison skills, initially with a focus on counter-terrorism. This will be based on sound law enforcement education, understanding, shared experiences and cross-jurisdictional cooperation.

www.jclec.com

Recommended resources


The Manual contains human rights training for the police. It provides in-depth information on sources, systems and standards for human rights in law enforcement, along with practical guidelines and annexed international instruments.

www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx

The *Guide* provides session outlines on a range of human rights topics, along with group exercises, instructions and tips for trainers, and a number of training tools to be used in police training courses.

www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx


The *Pocket Book* is designed to be a readily accessible and portable reference for law enforcement officers. It contains hundreds of point-form standards, organized according to police duties, functions and topics.

www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx


The modules contained in this training *Manual* address the concept and categories of the smuggling of migrants, the role of smuggled migrants and smugglers of migrants in the criminal justice process, investigative approaches, financial investigations, covert investigative techniques, intelligence, legislative issues, international cooperation and human rights. The modules are the product of a broad participatory process involving experts from the field of law enforcement and prosecution from several regions around the world.

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10.5 Cooperation in relation to training and technical assistance

Smuggling of Migrants Protocol

Article 14

2. States Parties shall cooperate with each other and with competent international organizations, non-governmental organizations, other relevant organizations and other elements of civil society as appropriate to ensure that there is adequate personnel training in their territories to prevent, combat and eradicate the conduct set forth in article 6 of this Protocol and to protect the rights of migrants who have been the object of such conduct. Such training shall include:

(a) Improving the security and quality of travel documents;
(b) Recognizing and detecting fraudulent travel or identity documents;
(c) Gathering criminal intelligence, relating in particular to the identification of organized criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol, the methods used to transport smuggled migrants, the misuse of travel or identity documents for purposes of conduct set forth in article 6 and the means of concealment used in the smuggling of migrants;
(d) Improving procedures for detecting smuggled persons at conventional and non-conventional points of entry and exit; and
(e) The humane treatment of migrants and the protection of their rights as set forth in this Protocol.

3. States Parties with relevant expertise shall consider providing technical assistance to States that are frequently countries of origin or transit for persons who have been the object of conduct set forth in article 6 of this Protocol. States Parties shall make every effort to provide the necessary resources, such as vehicles, computer systems and document readers, to combat the conduct set forth in article 6.

In addition to training their own officials, States parties are required to cooperate with one another in training to prevent and combat the smuggling of migrants and in appropriate methods for dealing with smuggled migrants. The obligation to cooperate also includes cooperation with intergovernmental and non-governmental organizations, a number of which are active in matters related to migration. The Protocol also calls for relevant technical assistance to countries of origin or transit, in addition to the more general call for such assistance in articles 29 and 30 of the Organized Crime Convention.

The establishment of programmes of training for domestic officials will not generally require legislative measures, but the materials and personnel used to deliver such training will rely
heavily on domestic legislation, international instruments and, in many cases, the legislation of other States with whom a particular State party is likely to find it necessary to cooperate on a frequent or regular basis. To ensure efficient and effective cooperation with other States parties, cooperation in the development and application of training programmes and the rendering of assistance to other States by providing resources and/or expertise, will also be important.

**Promising practices**


The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) assists member States to train national border guards and establish common training standards, thereby contributing to the improved professionalism of member States’ border guards. The common core curriculum developed by Frontex will form the basis of this system. This new European curriculum will be the first common curriculum that includes common skills and competencies for the basic training of border guards across Europe.

[www.frontex.europa.eu](http://www.frontex.europa.eu)

International Organization for Migration. *Specialist training in China.*

In July 2009, the IOM Liaison Office in China held a one-week training course in fraudulent travel document examination for 30 senior Chinese immigration and consular officials under its Capacity Building for Migration Management in China project.

The workshop was the first of its kind in China and demonstrated the growing interest in the country in building the capacity of its migration management staff to comprehensively manage inward and outward regular and irregular migration flows.

The training was provided by IOM experts and specialists from the Portuguese Border and Aliens Service and the German Federal Police. It introduced senior document examiners from immigration inspection posts in Beijing, Shanghai, Guangzhou and Xiamen to international best practices in the inspection and identification of fraudulent travel documents.

During the training, IOM also launched the Chinese translation of its Passport Examination Procedure Manual. The manual is designed for use by frontline immigration and consular officials and promotes a standardized approach to the inspection and identification of fraudulent travel documents.

Information on other training and events organized by IOM, as well as the Passport Examination Procedure Manual, are available from [www.iom.int](http://www.iom.int).


A report on the training of border police of Bosnia and Herzegovina in forgery detection and investigative techniques by a team of immigration experts sent by the Government of the United Kingdom to Sarajevo in September 2001.

On 6 and 7 July 2009, law enforcement officials and prosecutors from several countries in North Africa and Europe met to discuss criminal justice cooperation in response to the challenges of combating the smuggling of migrants. The participants, from Egypt, France, Italy, the Libyan Arab Jamahiriya, Morocco, the Netherlands, Spain, Tunisia, Turkey and the United Kingdom, as well as Europol, INTERPOL and UNODC, stressed the need for increased capacity-building of criminal justice actors through cooperative training.


**Recommended resources**


The main purpose of the *Legislative Guides* is to assist States seeking to ratify or implement the United Nations Convention against Transnational Organized Crime and its supplementary Protocols. The *Guides* lay out the basic requirements of the Convention and the Protocols thereto, as well as the issues that each State party must address, while furnishing a range of options and examples that national drafters may wish to consider as they try to implement the Convention and its Protocols. The *Guides* have been drafted to accommodate different legal traditions and varying levels of institutional development and provide, where available, implementation options.


The modules contained in this *Training Manual* address the concept and categories of the smuggling of migrants, the role of smuggled migrants and smugglers of migrants in the criminal justice process, investigative approaches, financial investigations, covert investigative techniques, intelligence, legislative issues, international cooperation and human rights. The modules are the product of a broad participatory process involving experts from the field of law enforcement and prosecution from several regions around the world.

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