



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

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**Review of the implementation of the United Nations  
Convention against Transnational Organized Crime  
and the Protocols thereto: Protocol against the  
Smuggling of Migrants by Land, Sea and Air**

## **Activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime**

### **Report of the Secretariat**

#### **I. Introduction**

1. The present report has been prepared to inform the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its eleventh session, about the activities undertaken by the United Nations Office on Drugs and Crime (UNODC) to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The report covers the period from July 2020 to July 2022.
2. As of July 2022, there were a total of 150 parties to the Smuggling of Migrants Protocol. Since the tenth session of the Conference, the Comoros (2020) has become a State party to the Protocol.
3. Through its global and regional programmes, strategies and dedicated projects, UNODC supports Member States, upon request, in implementing the Protocol, using a comprehensive and cooperative approach aimed at preventing the smuggling of migrants, prosecuting its perpetrators and protecting the rights of smuggled migrants.
4. In the period 2020–2022, more than 4,000 practitioners from 31 Member States received technical assistance for strengthening their response to the smuggling of migrants. In addition, under the relevant global programmes, UNODC provided nine countries with legislative and policy development assistance.

\* CTOC/COP/2022/1.



## II. Activities to assist States in the implementation of the Smuggling of Migrants Protocol

5. In line with its mandate to prevent and counter organized crime in its various forms, UNODC continues to implement a comprehensive strategy to combat the smuggling of migrants. It includes technical cooperation programmes with Member States for the implementation of the Smuggling of Migrants Protocol; support for intergovernmental processes; engagement in inter-agency cooperation and coordination mechanisms; and enhanced efforts in research and data collection.

### A. Normative and policy work, knowledge development and inter-agency cooperation and coordination

6. During the reporting period, UNODC continued providing strategic and substantive support to intergovernmental bodies and processes and cooperating closely with other United Nations entities, as well as regional intergovernmental and non-governmental organizations, to promote the objectives of the Smuggling of Migrants Protocol, ensure that the Protocol's standards and obligations were better understood and implemented, and foster synergies and partnerships to those ends.

#### 1. Support for intergovernmental bodies

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

7. During the reporting period, UNODC provided substantive support for the meetings of the intergovernmental Working Group on the Smuggling of Migrants, established by the Conference. At its seventh meeting, held in Vienna on 8 and 9 September 2020, the Working Group focused its discussions on two areas. The first area of discussion was the impact of natural disasters, conflicts and crises, such as the coronavirus disease (COVID-19) pandemic, on trends in organized criminal groups and on routes for the smuggling of migrants, as well as good practices to support effective law enforcement cooperation during such crises to detect, investigate and prosecute such cases (see [CTOC/COP/WG.7/2020/2](#)). The second area of discussion covered successful strategies concerning the use of technology, 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 (see [CTOC/COP/WG.7/2020/3](#)).

8. At its eighth meeting, held in Vienna on 14 and 15 October 2021, the Working Group discussed topics related to the relevance of regular channels of migration and the prosecution of cases of smuggling of migrants. To support the Group's discussions and in line with past practice, UNODC drafted thematic background papers on the impact that the availability of regular channels of migration has on reducing demand for the smuggling of migrants ([CTOC/COP/WG.7/2021/2](#)) and on strengthening the capacity to prosecute cases of smuggling of migrants ([CTOC/COP/WG.7/2021/3](#)), as well as a thematic compendium of background papers of the Working Group since its first meeting ([CTOC/COP/WG.7/2021/4](#)).

9. At its ninth meeting, held in Vienna on 27 and 28 June 2022, the Working Group discussed cooperation with the private sector to prevent and combat the smuggling of migrants, as well as information-sharing and international cooperation. Accordingly, UNODC drafted thematic background papers to support the Working Group's discussions regarding good practices in cooperating with the private sector to prevent and combat the smuggling of migrants ([CTOC/COP/WG.7/2022/2](#)) and sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches ([CTOC/COP/WG.7/2022/3](#)).

10. At its seventh, eighth and ninth meetings, the Working Group adopted almost 50 technical and substantive recommendations, primarily addressed to States parties to enhance implementation of the Protocol and the international response to the smuggling of migrants.

11. Following the conclusion of the preparatory phase and the launch of the review phase of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto at the tenth session of the Conference, UNODC has worked to strengthen the engagement of non-governmental stakeholders in the process, for example by providing briefings to civil society organizations.

12. Furthermore, UNODC contributed to the promotion of the participation of non-governmental stakeholders in the first-ever constructive dialogue, held on 1 July 2022 following the conclusion of the ninth meeting of the Working Group on Smuggling of Migrants, in accordance with the procedures and rules for the functioning of the Implementation Review Mechanism. In total, 37 non-governmental organizations and 7 other relevant stakeholders (5 from academia and 2 from the private sector) took part. The constructive dialogue was an interactive forum where non-governmental stakeholders discussed topics that included limitations in the knowledge of law and policies related to the smuggling of migrants; the importance of mainstreaming human rights considerations into responses to the smuggling of migrants; interlinkages between technology and smuggling of migrants; the need to increase efforts in data collection on migration, in particular on the impact of pathways for regular migration in reducing the incidence of smuggling migrants; and the role of civil society in supporting the review of the implementation of the Protocol.

#### *Commission on Crime Prevention and Criminal Justice*

13. The issue of the smuggling of migrants featured prominently at the thirtieth session of the Commission on Crime Prevention and Criminal Justice, held in May 2021, as the subject of the annual thematic discussion, entitled “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”. Background documents prepared for the thematic discussion highlighted the vulnerabilities of people on the move – vulnerabilities created or worsened by the COVID-19 pandemic. The measures put in place by countries to control and contain COVID-19 have had a negative impact on refugees and migrants in particular, leaving them at greater risk of aggravated forms of smuggling.

14. At its thirtieth session, the Commission adopted resolution 30/1, on strengthening international cooperation in addressing the smuggling of migrants, the first resolution on the smuggling of migrants adopted in the United Nations system in many years. In the resolution, the Commission urged States parties to the Smuggling of Migrants Protocol to respect the rights accorded to smuggled migrants as set forth in the Protocol, irrespective of their migration status, nationality, gender, ethnicity, religion or age, as well as to take appropriate measures to build trust with smuggled migrants, in particular those who have been victims of violent crimes.

15. In addition to being the subject of briefings for Member States on relevant work undertaken by UNODC in the area, the smuggling of migrants featured prominently in all facets of the thirtieth session, including in 11 separate side events, which highlighted specific initiatives and challenges in supporting the development of best practices and the sharing of information on the issue. The events covered new rights-based technical cooperation tools to support implementation of the Smuggling of Migrants Protocol; Operation Turbo, a successful prosecution of a significant migrant smuggling case; Operation Turquesa II, a joint response on the part of the International Criminal Police Organization (INTERPOL) and UNODC to migrant smuggling; the prevention of involuntary migration and the smuggling of migrants;

prosecuting the smuggling of migrants in Africa; reconsidering the definition of smuggling migrants in the context of environmental disasters; a regional and coordinated response to the smuggling of migrants in South America; strengthening international cooperation in criminal matters related to the smuggling of migrants within and from the Horn of Africa; the launch of the online platform of the UNODC Observatory on Smuggling of Migrants; and the launch of the UNODC study *Abused and Neglected: A Gender Perspective on Aggravated Migrant Smuggling Offences and Response*. Of particular note was a side event hosted by the United Nations Network on Migration on ensuring migrant protection through strengthened criminal justice responses to migrant smuggling, in line with the Smuggling of Migrants Protocol and objective 9 of the Global Compact for Safe, Orderly and Regular Migration.

16. The issue of the smuggling of migrants was also raised at the thirty-first session of the Commission, held in May 2022, with side events focusing on regional efforts by the Ibero-American Network of Specialized Prosecutors against Trafficking in Persons and the Smuggling of Migrants to tackle migrant smuggling from investigation to prosecution; the latest findings of the UNODC Observatory on Smuggling of Migrants on the north-west African (Atlantic) route; and promoting the role and voice of women in countering human trafficking and migrant smuggling in Asia and the Middle East.

#### *United Nations Congress on Crime Prevention and Criminal Justice*

17. UNODC prepared several thematic papers to support discussions relevant to migrant smuggling at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, originally scheduled for April 2020 and postponed, owing to the COVID-19 pandemic, to March 2021. Among other reports, the report of the Secretary-General on the state of crime and criminal justice worldwide ([A/CONF.234/3](#)) provided detailed information about the smuggling of migrants, while the background paper on current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime ([A/CONF.234/11](#)), discussed how information and communications technologies are used by smugglers, as well as by police to investigate migrant smuggling crimes.

18. Following the Congress, the Economic and Social Council adopted resolution [2021/20](#), in which it endorsed the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development. In the Declaration, Member States committed themselves to endeavouring to adopt and implement effective measures to prevent and combat the smuggling of migrants and protect the lives and the human rights of migrants, consistent with the respective obligations of parties under the United Nations Convention against Transnational Organized Crime and the Smuggling of Migrants Protocol, supplementing the Convention.

#### *General Assembly*

19. UNODC continued to provide substantive support for Member States in discussions on the development and implementation of General Assembly resolutions relating to countering the smuggling of migrants and the implementation of the Smuggling of Migrants Protocol.

20. A number of resolutions were adopted during the reporting period to provide enhanced responses to preventing and countering the smuggling of migrants. In its resolution [75/196](#), on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity, the General Assembly stressed the importance of strengthened international and law enforcement cooperation to counter transnational organized crime, including the smuggling of migrants. The Assembly encouraged Member States to develop and implement, as appropriate, comprehensive, evidence-based crime prevention policies, national and

local strategies and action plans, and to strengthen the capacity of their respective criminal justice systems to investigate, prosecute and punish all forms of crime, while protecting the human rights and fundamental freedoms of defendants, as well as the legitimate interests of victims and witnesses.

21. In its resolution [76/172](#), on the protection of migrants, the General Assembly called upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children. It also encouraged States to cooperate and to take appropriate measures, in full conformity with their obligations under international human rights law, to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information-sharing and joint operational functions, enhancing capacities and supporting opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants, particularly women and children.

22. During the reporting period, the Office also continued to provide substantive input to relevant reports of the Secretary-General on the implementation of General Assembly and Security Council resolutions on issues related to migration and the smuggling of migrants, including on international migration and development; on the implementation of the Global Compact for Safe, Orderly and Regular Migration; and on oceans and the law of the sea.

#### *Security Council*

23. In its resolution [2546 \(2020\)](#), concerning migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya, the Security Council reaffirmed the necessity to put an end to the ongoing proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya. Subsequently, in its resolution [2570 \(2021\)](#), adopted in April 2021, the Council reiterated its grave concern at the smuggling of migrants and refugees and human trafficking through Libya, and it renewed the related authorizations in September 2021, with the adoption of resolution [2598 \(2021\)](#). UNODC continues to provide information for the reporting of the Secretary-General related to the resolutions.

#### *International Migration Review Forum*

24. The first International Migration Review Forum, which was held from 16 to 20 May 2022, reviewed progress made at the local, national, regional and global levels in implementing the Global Compact for Safe, Orderly and Regular Migration, including its objective 9, namely, strengthening the transnational response to the smuggling of migrants. UNODC provided significant support for the series of regional reviews that preceded the International Migration Review Forum, as well as for the Forum itself, at which UNODC co-led a round table which reviewed the implementation of a cluster of the Global Compact objectives, including objective 9. A progress declaration was adopted at the Forum, which included a commitment to intensifying joint efforts, including through international cooperation between countries of origin, transit and destination, to prevent and counter the smuggling of migrants, in full respect for human rights. The Forum also led to 168 pledges to support the implementation of the Global Compact politically or financially, 47 of which related to smuggling of migrants.

## **2. Participation in inter-agency and regional coordination and cooperation mechanisms**

25. UNODC is engaged in several thematic inter-agency mechanisms to advance the international agenda for countering the smuggling of migrants and trafficking in persons, including in the context of international migration, in line with targets 5.2, 8.7, 10.7 and 16.2 of the 2030 Agenda for Sustainable Development, as well as its overall Goal 17.

26. Of primary importance in that regard is UNODC membership in the Executive Committee of the global United Nations Network on Migration, established by the Secretary-General to support implementation by Member States of the Global Compact for Safe, Orderly and Regular Migration, and endorsed by the General Assembly in its resolution 73/195. UNODC participates in the Network's global core and thematic working groups, whose aim is to establish a global knowledge platform and a connection hub to develop tailor-made responses to migration; empower Member States in developing and implementing national implementation plans related to the Global Compact; and strengthen the capacity of the United Nations at the global, regional and country levels to provide support for Member States on migration-related issues.

27. In the reporting period, UNODC contributed to the establishment, and supported the activities, of national and regional migration networks and thematic issue-based coalitions, of which there are now more than 60, in most regions of the world, working closely with United Nations country teams and governmental counterparts to support the national efforts to implement the Global Compact and its related review process.

28. UNODC is part of the United Nations regional migration network for West and Central Africa and regularly participates in the work of the Mixed Migration Working Group established in its framework. At the national level, UNODC is also an active member of the national migration networks in the Gambia, Mali and Mauritania.

29. In line with its mandates, UNODC provides support for Member States in the implementation of Global Compact objectives 9 (to strengthen the transnational response to smuggling of migrants) and 10 (to prevent, combat and eradicate trafficking in persons in the context of international migration), by strengthening the rule of law and enhancing crime prevention and criminal justice responses to prevent and counter organized crime while protecting its victims.

30. During the reporting period, UNODC also supported other thematically relevant regional activities. The Regional Conference on Migration, for example, is a multilateral mechanism for coordinating policies and actions relating to migration between 11 States in the Americas. UNODC continued its participation as observer, and supported the member States of the Conference, and other observer organizations, in the elaboration, implementation and follow-up of the Counter-Smuggling Work Plan 2019–2025. In March 2022, UNODC undertook a field visit and debriefing of the Conference member States to assess the situation of migrants crossing the border at the Darién Gap between Colombia and Panama on the key migration route through Central America.

### **3. Development of knowledge, normative and policy guidance and tools**

31. The Smuggling of Migrants Knowledge Portal, powered by the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC), was launched by UNODC in 2017 and was integrated into SHERLOC in 2022. The databases in SHERLOC containing material related to smuggling of migrants have continued to expand throughout the reporting period and, as of July 2022, the case law database contains 829 migrant smuggling cases from 46 jurisdictions, the legislation database contains 253 pieces of legislation relating to migrant smuggling from 102 countries; and the bibliographical database contains 390 entries relating to migrant smuggling.

32. Material on the smuggling of migrants contained in the SHERLOC databases contributes to the strengthening of the capacity of Member States to fight impunity and increase accountability by successfully investigating and prosecuting cases relating to the smuggling of migrants, which SHERLOC accomplishes through the collection, analysis, review and dissemination of court cases from various jurisdictions and legal systems, and through the collation of related information on legislation, strategies and available literature. UNODC increasingly uses the case law database as a source of information to develop additional normative and policy guidance documents and technical assistance tools.

33. In 2020, UNODC produced a study entitled *Abused and Neglected: A Gender Perspective on Aggravated Migrant Smuggling and Response*. The study focused on the differing types of violence inflicted on men and women and described the underlying factors and motivations that lead to abuse during smuggling operations. The study was published in Spanish in 2021.

34. In 2021, UNODC released a paper entitled “COVID-19 and the smuggling of migrants: a call for safeguarding the rights of smuggled migrants facing increased risks and vulnerabilities”. The paper focused on continuing prevention and protection issues arising from the vulnerabilities faced by people on the move owing to the impact of the COVID-19 pandemic.

35. During the reporting period, UNODC developed the Knowledge Centre on Human Trafficking and Migrant Smuggling, which provides an online, interactive learning management system to support the UNODC global community of practice, functioning as a one-stop shop for practitioners for instant access to training material, recorded training sessions, audiovisual resources, publications, insights from peers and case studies. The Knowledge Centre seeks to promote adherence to and implementation of both the Trafficking in Persons and Smuggling of Migrants Protocols.

36. In February 2021, UNODC developed, through its Global Action against Trafficking in Persons and the Smuggling of Migrants initiative, the *UNODC Toolkit for Mainstreaming Human Rights and Gender Equality into Criminal Justice Interventions to Address Trafficking in Persons and Smuggling of Migrants*, and piloted it across partner countries in Asia and the Middle East. The Toolkit guides criminal justice experts in ways of adopting a human-rights and gender-equal response to both trafficking in persons and the smuggling of migrants.

## **B. Promoting and supporting the implementation of the Smuggling of Migrants Protocol through technical cooperation**

37. UNODC is currently implementing the strengthening transregional action and responses against the smuggling of migrants (STARSON) initiative, a two-year (2021–2023) project to enhance the capabilities of 13 participating countries across five continents to counter migrant smuggling, dismantle transnational networks and ensure that smuggled migrants are treated fairly and humanely by authorities during operations and investigations into people-smuggling activities. In parallel, UNODC is, over the same period, convening a series of targeted bilateral and interregional operational meetings to enhance practitioner-led international cooperation for responding to migrant smuggling, building unprecedented links not only between regions but also between States parties and countries yet to ratify the Smuggling of Migrants Protocol. Since the launch of the project, UNODC has trained more than 1,000 practitioners, enhancing the capabilities of participating countries to counter migrant smuggling. Bilateral meetings have been held between countries involved in the project, including Bangladesh, Costa Rica, Colombia, the Dominican Republic, Honduras, Ghana, Nigeria and Sri Lanka, to exchange information and improve direct cooperation on cases involving the smuggling of migrants. In addition, an interregional meeting to foster international cooperation for responding to the smuggling of migrants brought together representatives from 14 countries from Asia, Central America, the Caribbean, the Middle East, South America and West Africa to discuss current trends and the manifestation of migrant smuggling along the smuggling route leading from South Asia to North America, and exchanged good practices and examples of challenges with a view to enhancing cooperation in investigating migrant smuggling and protecting smuggled migrants.

38. In response to recent recommendations of the Working Group on the Smuggling of Migrants and the Commission on Crime Prevention and Criminal Justice calling for the organization of bilateral or regional training on migrant smuggling, UNODC organized a series of three simulation training sessions for Bosnia and Herzegovina

and Montenegro to build the ability of practitioners to understand and apply the relevant international and national legal frameworks, and enhance international cooperation in addressing migrant smuggling.

## **1. Legislative assistance and strategy development**

39. During the reporting period, UNODC provided legislative assistance through its relevant global programmes to draft or revise national laws to address the smuggling of migrants in Afghanistan, Bangladesh, Gabon, Iraq, Maldives, Nepal, Pakistan, Somalia, the Sudan and Zambia.

40. Sustained advocacy by the UNODC Global Action against Trafficking in Persons and the Smuggling of Migrants initiative led to the formation of migrant smuggling law drafting committees in Baghdad and in the Kurdistan Region of Iraq, guaranteeing a harmonized and aligned approach. Continued legislative guidance from UNODC will ensure that domestic legislation on migrant smuggling meets international standards and allows Iraq to fulfil its obligation under the Protocol.

41. In Maldives, UNODC supported the country's efforts to revise its legislation on the smuggling of migrants, including by participating in an online consultation session, in March 2021, with national stakeholders regarding the amendment of the legislation.

42. UNODC provided guidance and advice to Gabon on a draft provision regarding the smuggling of migrants intended for inclusion in the national Penal Code.

43. In Bangladesh, UNODC supported an initial high-level consultation session on needs related to addressing the absence of a specific counter-smuggling policy and related legislation and developed a policy paper entitled "Towards a national response to the smuggling of migrants by land, sea and air in Bangladesh".

44. Before the Taliban takeover in August 2021, the UNODC Global Action against Trafficking in Persons and the Smuggling of Migrants initiative also supported the revision of the Afghanistan National Action Plan to combat the Smuggling of Migrants and Trafficking in Persons. The National Action Plan included several activities to strengthen criminal justice capacity in combating organized criminal groups responsible for the smuggling of migrants, while promoting safe migration and ensuring migrant and victim protection.

45. Furthermore, the UNODC Global Action against Trafficking in Persons and the Smuggling of Migrants initiative supported Pakistan in the finalization of the implementation of rules for its 2018 legislation for the prevention of trafficking in persons and for the smuggling of migrants.

## **2. Strengthening criminal justice responses**

46. During the reporting period, UNODC delivered capacity-building activities and training to law enforcement authorities and judicial authorities in various countries, including Afghanistan, Bangladesh, Barbados, Bosnia and Herzegovina, Chile, Costa Rica, the Dominican Republic, Gabon, Ghana, Guatemala, Honduras, Iraq, the Islamic Republic of Iran, Malawi, Maldives, Montenegro, Nepal, the Niger, Nigeria, North Macedonia, Pakistan, Sri Lanka, Uzbekistan and Zambia, as well as in Kosovo<sup>1</sup> and the Turks and Caicos Islands.

47. Through Global Action against Trafficking in Persons and the Smuggling of Migrants – Pakistan UNODC trained and coached a group of 25 women law enforcement officers from the Federal Investigation Agency on investigative techniques related to cases involving trafficking in persons and the smuggling of migrants. The initiative seeks to ensure that female specialist investigators played an operational role in the Agency's dedicated functions. A week of specialist training in

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<sup>1</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

November 2020 was followed by three coaching sessions in 2021 and 2022, allowing participants the opportunity to examine in greater depth the complexities they face in practice when handling specific cases of human trafficking and migrant smuggling, and to receive expert guidance in challenging areas, thus constituting valuable, sustained and sequenced capacity-building support.

### **3. Promoting international cooperation**

48. UNODC presented its Smuggling of Migrants Knowledge Portal, powered by the knowledge management portal known as SHERLOC, at an interregional meeting on fostering international cooperation against the smuggling of migrants, aiming to strengthen channels of communication and information exchange and promote judicial cooperation in combating the smuggling of migrants along transregional smuggling routes. The activity was organized by UNODC under the strengthening transregional action and responses against the smuggling of migrants initiative. It brought together 35 participants, including both investigators and prosecutors, from Bangladesh, Brazil, Colombia, Costa Rica, the Dominican Republic, Ghana, Honduras, Maldives, Nepal, Nigeria, Pakistan, Qatar, Sri Lanka, the United Arab Emirates and the Turks and Caicos Islands; as well as experts from Canadian and European agencies, including the Canada Border Services Agency and the Passenger Information Unit of Spain.

49. UNODC supported Operation Turquesa II, an INTERPOL-led operation against migrant smuggling and trafficking in persons, which aimed to promote national and international responses to trafficking in persons and smuggling of migrants with full respect for human rights. The operation led to more than 200 arrests among criminal networks that were involved in the smuggling of about 3,500 migrants throughout the Americas, Africa, Europe and Asia.

50. UNODC also supported a meeting in North Macedonia of experts from South-Eastern Europe aiming to enhance cross-border cooperation to tackle migrant smuggling.

51. In June 2020, UNODC, through its Global Action against Trafficking in Persons and the Smuggling of Migrants initiative, established and launched the Women's Network of Gender Champions against Human Trafficking and Migrant Smuggling. The Network is an active community that includes female and male champions of women's rights working in policymaking, the justice sector, law enforcement and civil society, and has continued to develop throughout the reporting period.

### **4. Data collection and research**

52. In the first quarter of 2022, UNODC, through its Global Action against Trafficking in Persons and the Smuggling of Migrants initiative, launched a strengths, weaknesses, opportunities and threats analysis of the impact of the situation in Afghanistan on trafficking in persons and smuggling of migrants in neighbouring countries. The final report contains specific recommendations for both immediate and mid-term responses to the situation.

53. During the reporting period, UNODC also continued working on a regional study on illicit financial flows derived from trafficking in persons and the smuggling of migrants, covering Afghanistan, Iraq and Pakistan. The study is a joint initiative of the Global Action against Trafficking in Persons and the Smuggling of Migrants initiative and the UNODC Research and Trend Analysis Branch, and is aimed at mapping trends and patterns of illicit financial flows from trafficking in persons and smuggling of migrants, and deepening understanding of business and payment models of trafficking and smuggling enterprises. The study is currently being finalized and is due to be launched in late 2022.

54. In July 2022, UNODC published updated research<sup>2</sup> on the smuggling of migrants in the context of the war in Ukraine. The activation of the European Council Directive 2001/55/EC, on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, agreed in March 2022 and applying to all Ukrainian nationals arriving in the European Union, together with visa-free entry for Ukrainians to most European countries, significantly reduced the need for those fleeing the war to resort to using migrant smugglers. Regulation (European Union) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, which requires asylum applicants to apply for international protection in the first European Union country of arrival, does not apply to the temporary protection of Ukrainians, and therefore it is also unlikely that the smuggling of migrants will be perpetrated in the context of Ukrainians moving within the European Union (“secondary movements”). The visa-free and temporary protection provisions do not apply, however, to all non-Ukrainian, non-European Union citizens who were residing in Ukraine at the outbreak of the war (with the exception of recognized refugees and long-term permanent residents), and so those persons, including citizens of Bangladesh, the Democratic Republic of the Congo, India, Nigeria, the Russian Federation, Uzbekistan and Zimbabwe, among other countries, may resort to the services of migrant smugglers in order to leave Ukraine, and are therefore more vulnerable to trafficking in persons.

#### *UNODC Observatory on Smuggling of Migrants*

55. The UNODC Observatory on Smuggling of Migrants assesses the characteristics, drivers and impact of migrant smuggling in rapidly changing contexts and is currently the leading global research of UNODC on the smuggling of migrants.

56. Since 2019, the Observatory has provided up-to-date evidence on the modus operandi of migrant smugglers, smuggling routes, demand for smuggling, financial aspects and abuses suffered in the context of migrant smuggling. The research findings are intended to inform responses, in line with the Smuggling of Migrants Protocol, to prevent and combat the smuggling of migrants, to promote cooperation among States on countering smuggling, and to protect the rights of smuggled people.

57. The Observatory’s key findings on the smuggling of migrants in West and North Africa and Southern Europe during the reporting period are set out below.

#### *Smuggling routes*

58. Sea smuggling routes to Europe have shifted in response to changes in border control practices. The number of people smuggled by sea along the North-West African (Atlantic) route to the Canary Islands has increased significantly since 2020, as border patrolling on the Western Mediterranean route from northern Morocco to mainland Spain was reinforced and the numbers of people using that route decreased.

59. The profile of people being smuggled across the Central Mediterranean route from North Africa to Italy and Malta has also changed. Before 2019, the majority of smuggled migrants on the route were West Africans, but now they are North Africans and Bangladeshis.

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<sup>2</sup> United Nations Office on Drugs and Crime, “Conflict in Ukraine: key evidence on risks of trafficking in persons and smuggling of migrants” (July 2022).

*Incidence of smuggling*

60. The proportion of people using the Western Mediterranean route who are smuggled, as opposed to travelling independently, is lower than on the North-West African, Central Mediterranean and Eastern Mediterranean (Turkey to Greece) routes.

61. The number of smuggling incidents on the Central Mediterranean route is, however, far higher than was previously thought. This assessment is based on the Observatory's analysis, which combines the numbers of people who arrived, who were intercepted and who lost their lives or went missing during the period from January to August 2021. The analysis places the total number of people who attempted irregular entry across the Central Mediterranean route at 69,628, compared with 34,061 people who were registered as arriving in the same period. While there is no consensus on the exact proportion of people who use smugglers among those departing along the Central Mediterranean coast, assessments and estimates suggest that the proportion is high. In order to understand and respond to migrant smuggling, the number of failed smuggling attempts must be taken into account, in addition to attempts that are successful in reaching the intended destination.

62. Demand for smuggling arises from people's strong motivation to migrate, combined with a lack of access to legal or regular pathways for migration. Corruption at official border crossings, obstacles to exercising free movement rights and safety concerns also contribute to smuggling demand in West Africa.

*Modus operandi of smugglers*

63. Smugglers operating in West and Central Africa, Algeria and Morocco comprise small groups of loosely connected people or individuals, active only at specific border crossing points.

64. Smugglers in West Africa tend to operate only at one border, and make opportunistic connections with other actors, whereas smugglers operating in Libya are more sophisticated, with a higher level of involvement of transnational organized criminal groups.

65. The involvement of transnational organized criminal groups along land routes from West Africa to Morocco is less common than along other routes in West and North Africa, although non-State armed groups active in the Sahel profit indirectly from migrant smuggling by extorting fees for passage.

66. Most investigations and prosecutions do not target the criminal groups on the North-West African coast that organize smuggling of migrants along the North-West African route and profit from the crime.

*Fees*

67. Profits from migrant smuggling are limited along smuggling routes by land in North and West Africa. The sea crossing is paid for separately from any smuggling by land along all Mediterranean sea routes, and on the North-West African route. A key role of migrant smugglers in that context is paying bribes on behalf of people on the move, with payments made to State actors, and "protection money" paid to non-State actors.

*Risks and abuses*

68. Smuggled people risk their lives crossing deserts, sand berms and the sea. The number of people dying in a migrant smuggling context increased in the period 2020–2021.

69. Along land routes connecting West and North Africa, and in particular in Libya, smuggled people are also at risk of deprivation of liberty, extortion, trafficking in persons and physical violence, perpetrated by armed groups, State authorities and criminals, including smugglers.

70. When perpetrated by smugglers, deprivation of liberty, trafficking in persons and sexual and gender-based violence constitute aggravated smuggling offences, yet in most cases the perpetrators are actors other than the smugglers themselves.

71. At least one in 20 people smuggled along the North-West African (Atlantic) route dies in transit. The actual proportion of people who die or go missing is likely to be higher, as many deaths go unrecorded owing to the limited capacities of responders to retrieve, identify and trace the bodies of people who lose their lives off the coasts of North-West Africa or the Canary Islands, in international waters, or in the Caribbean.

### **III. Conclusions**

72. The continued relevance of global discourse on the smuggling of migrants and the need for the prioritization of enhanced responses and uptake of better practices are clear. Migrant smuggling remains an issue of global concern and shows no signs of abatement. There remains a consistent demand for technical assistance from States parties and for the development of policy-oriented and standard-setting guidance to support the implementation of the Protocol.

73. In 2022, in addition to the ninth meeting of the Working Group on the Smuggling of Migrants, broader intergovernmental processes continued to focus on migrant smuggling, including the International Migration Review Forum. As the implementation of the Mechanism for the Review of the United Nations Convention against Transnational Organized Crime and the Protocols thereto progresses slowly, the first constructive dialogue with civil society indicated that multiple gaps remain in the implementation of the Smuggling of Migrants Protocol.

74. The timely implementation of the Review Mechanism, early preparation by States parties for their own review and the related efforts of States to benchmark their national implementation of the Smuggling of Migrants Protocol are key to making progress in global efforts in response to migrant smuggling, including the formal identification of gaps and shortcomings. Increased engagement by all States parties in the exchange of thematic challenges and experience through the Working Group on the Smuggling of Migrants will also enhance evaluation and accumulated learning regarding what works and what does not work in responding to migrant smuggling.

75. UNODC remains committed to promoting and supporting the implementation of the Smuggling of Migrants Protocol, and to working jointly with Member States and international and regional organizations, civil society and migrant constituencies towards making the fight against the smuggling of migrants, in all its forms, ever more effective. The work remains underresourced, despite its continued success and increasing impact globally and despite the call by the Commission for Crime Prevention and Criminal Justice, in its resolution 30/1, for UNODC to continue its work in the area. In that same resolution, the Commission called on States to provide extrabudgetary resources to strengthen the international response to smuggling of migrants through the detailed actions noted. As shown in the present paper, significant UNODC technical work has greatly advanced knowledge and responses regarding migrant smuggling in the reporting period, but has also underlined the urgent need for greater related efforts.