



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

Distr.: Limited
15 July 2022

Original: English

Working Group on the Smuggling of Migrants

Vienna, 27 and 28 June 2022

Report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna on 27 and 28 June 2022

I. Introduction

1. Pursuant to resolution 5/3, adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session, an open-ended intergovernmental interim working group on the smuggling of migrants was established to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The Working Group on the Smuggling of Migrants met for the first time from 30 May to 1 June 2012 and held a total of eight meetings prior to its meeting in 2022.

2. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference of the Parties decided, inter alia, that the Working Group on the Smuggling of Migrants would be a constant element of the Conference, forwarding its reports and recommendations to the Conference, and encouraged the working groups of the Conference to consider meeting on an annual basis, as needed, and to hold their meetings consecutively, in order to ensure the effective use of resources.

II. Recommendations

3. At its meeting held in Vienna on 27 and 28 June 2022, the Working Group on the Smuggling of Migrants adopted the recommendations presented below.

A. General recommendations

Recommendation 1

States parties should endeavour to provide specialized training, technical equipment and technological tools to their competent institutions, as feasible, to combat all forms of migrant smuggling, including those perpetrated through the use of technologies such as online platforms.



Recommendation 2

The Conference of the Parties may wish to include the following topic in the agenda of future meetings of the Working Group on the Smuggling of Migrants: “Development, challenges and best practices in preventing and combating the smuggling of migrants by sea”.

B. Recommendations on good practices in cooperating with the private sector to prevent and combat the smuggling of migrants*Recommendation 3*

In accordance with the Organized Crime Convention and the Smuggling of Migrants Protocol, and bearing in mind the global efforts¹ that promote dialogue and contribute to strengthened international cooperation, States parties are urged to take action against the smuggling of migrants in partnership with all relevant stakeholders, including the private sector and academia.

Recommendation 4

States parties are encouraged, as appropriate, to share information on best practices in cooperating with the private sector, including private companies that could be used by smugglers, such as those providing transportation and accommodation services online.

Recommendation 5

The Conference of the Parties may wish to request the secretariat, as a follow-up to the meeting, to continue assisting it in the identification of, and the dissemination of information regarding, public-private partnerships that respond to migrant smuggling.

Recommendation 6

States parties should encourage Internet service providers and access providers to improve access to information for migrant smuggling investigations and enhance targeted awareness-raising on the risks associated with migrant smuggling.

Recommendation 7

States parties are encouraged, in accordance with their national legal systems, to seek the active participation and support of the private sector and other relevant stakeholders in the development and implementation of their national action plans and strategies against the smuggling of migrants.

C. Recommendations on sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches*Recommendation 8*

States parties are encouraged to establish and implement comprehensive approaches to investigating and prosecuting migrant smuggling and to foster international cooperation with and between countries of origin, transit and destination, consistent with the Organized Crime Convention and their domestic law, including by:

- (a) Identifying and sharing specific points of contact to facilitate the exchange of information, the conduct of joint or parallel investigations and the provision of assistance between investigators and prosecutors in migrant smuggling cases;

¹ Such as the Global Compact for Safe, Orderly and Regular Migration.

(b) Deploying border management and/or specialist liaison officials, such as police officers, prosecutors and magistrates, to collaborate directly with investigative teams in origin and transit countries, where possible and appropriate;

(c) Strengthening direct cooperation between border control agencies by, inter alia, establishing and maintaining direct channels of communication and deploying available technology, in accordance with national legislation.

Recommendation 9

States should consider making use of existing mechanisms for international cooperation between law enforcement authorities responding to the smuggling of migrants, including by:

(a) Participating in and contributing to the International Criminal Police Organization (INTERPOL) Odyssey Crime Analysis File, the purpose of which is to identify threats, crime trends and criminal networks to support law enforcement agencies in preventing and combating trafficking in persons and migrant smuggling;

(b) Nominating law enforcement officers from specialized units to participate in the INTERPOL Specialized Operational Network against People Smuggling and taking part in its regional and global activities;

(c) Encouraging competent national authorities to take part in INTERPOL-facilitated regional and global operations, supported by the United Nations Office on Drugs and Crime (UNODC), in countering the smuggling of migrants.

Recommendation 10

States parties are encouraged to make use of the Organized Crime Convention as a legal basis for mutual legal assistance, including in conducting joint or parallel operations to combat crimes related to the smuggling of migrants.

Recommendation 11

States parties are encouraged to make their technical assistance needs known to UNODC in order to enhance their capacity to combat migrant smuggling.

Recommendation 12

States parties are encouraged to cooperate with one another to prevent, investigate and prosecute criminal conduct that leads to deaths and serious injuries occurring during migrant smuggling incidents. This should include strategies to address different modes and routes of transportation by land, sea and air.

D. Recommendations on matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Recommendation 13

States parties are urged to nominate, without undue delay, their focal points and governmental experts for participation in the review process of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, within the timetable indicated in its procedures and rules and in the guidelines for conducting the country reviews, as well as to ensure the accessibility and availability of the nominated focal points and governmental experts.

III. Summary of deliberations

4. The following summary of deliberations was prepared by the secretariat after the meeting, in close coordination with the Chair, in accordance with the organization of work for the ninth meeting of the Working Group, as approved by the extended Bureau by means of a silence procedure on 6 May 2022. The summary of deliberations was not subject to negotiation and adoption during the meeting and is, instead, a summary by the Chair.

A. Good practices in cooperating with the private sector to prevent and combat the smuggling of migrants

5. At its 1st and 2nd meetings, on 27 June 2022, the Working Group considered agenda item 2, entitled “Good practices in cooperating with the private sector to prevent and combat the smuggling of migrants”.

6. The discussion under agenda item 2 was facilitated by a sole panellist, Gogé Maimouna Gazibo, the Liaison Magistrate against Trafficking in Persons and the Smuggling of Migrants of the Niger, stationed in Italy.

7. Ms. Gazibo noted that most national action plans against the smuggling of migrants were designed for implementation by State actors only and did not include stakeholders from the private sector or civil society, despite their relevance to the fight against smuggling and to the protection of the rights of smuggled refugees and migrants. She also stressed that while some forms of related cooperation existed between States and the private sector, they did not sufficiently reflect the relevance of non-governmental stakeholders, such as technology companies hosting social networks, as well as non-governmental organizations, to sensitizing prospective smuggled migrants and refugees to the risks associated with smuggling. She stressed that partnerships with airport authorities would be equally relevant, and she concluded by calling for strengthened cooperation among all stakeholders.

8. In the discussion that followed, some speakers highlighted the importance of strengthening partnerships with online service providers due to the misuse of information and communications technology by smugglers, in order to improve access to information, data-sharing and transparency. The lack of data on the smuggling of migrants was stressed, together with the potential offered by partnerships with the private sector to remedy that shortcoming. In addition, some speakers called for enhanced cooperation with financial institutions, noting the essential contribution that they could make to the investigation and prosecution of migrant smuggling.

9. Several speakers noted the relevance of partnerships with transportation companies, such as shipping companies and airlines, as well as the related training of staff and customs agents in the detection of fraudulent documents and indicators of migrant smuggling at points of transit and departure. One speaker noted that the related liability of legal persons should be established to counter the deliberate participation of legal entities in migrant smuggling.

10. Some speakers stressed that smuggled refugees and migrants were often victims of violations of their rights and risked their lives during unsafe migratory journeys, noting the relevance of public-private partnerships to improve the overall assistance and protection of smuggled migrants and refugees, including partnerships with private law firms and medical doctors. Some speakers also highlighted the need to improve cooperation and partnerships with private and commercial vessels to improve search and rescue operations for refugees and migrants in distress at sea, noting the importance of upholding the principle of non-refoulement in all circumstances and the imperative need to not have people disembark in places where their lives were at risk. In addition, the need to enhance pathways for regular migration was mentioned

as an effective means of preventing the crime of migrant smuggling and aggravated forms thereof.

11. Finally, it was noted that partnerships with private businesses could support the creation of employment for returning migrants and for migrants and refugees settling in a third country, thereby contributing to their socioeconomic integration and to the preservation of their dignity.

12. Under this agenda item, several requests were made for further information on best practices in cooperating with the private sector, in particular with non-traditional companies such as those offering vacation travel and transportation services online, as well as mobile applications for rental transportation.

B. Sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches

13. At its 1st, 2nd and 3rd meetings, on 27 and 28 June 2022, the Working Group considered agenda item 3, entitled “Sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches”.

14. Under agenda item 3, the discussion was facilitated by the following panellists: Frank Ofori Apronti, Chief Superintendent of the Document Fraud Expertise Centre, Ghana Immigration Service (Ghana), Rami S. Badawy, Trial Attorney in the Human Rights and Special Prosecutions Section, Department of Justice (United States of America), Yoanna Bejarán Álvarez, Magistrate and Head, Office of the Special Prosecutor against the Smuggling of Migrants and Trafficking in Persons of the Attorney General’s Office (Dominican Republic), Calogero Ferrara, Public Prosecutor and European Delegated Prosecutor in Palermo (Italy), and Salvador Granados, Inspector and Chief of the Specialized Unit on Trafficking in Persons and the Smuggling of Migrants of the Central Investigation Division of the National Civil Police (El Salvador).

15. Mr. Ferrara highlighted the importance of international cooperation in countering the smuggling of migrants given the transnational nature of the crime and the need for quick responses through, for example, the Organized Crime Convention. He also highlighted the sharing of information, in terms of both volume and quality, as a key factor in successfully fighting the smuggling of migrants. Mr. Ferrara stressed the need to investigate and prosecute organized criminal groups through international cooperation between countries of origin, transit and destination.

16. Mr. Apronti shared the experience of Ghana in its national investigative procedures and its collaboration with relevant organizations in countering the smuggling of migrants. He stressed the importance of addressing document fraud, noting the establishment by Ghana of the Document Fraud Expertise Centre. Mr. Apronti highlighted the information and logistical challenges experienced in Ghana relating to providing places of safety to smuggled migrants after rescue. He stressed the importance of strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

17. Mr. Badawy underscored the importance of using specialized prosecutors and investigators and of international cooperation as key pillars of the United States national strategy and response to migrant smuggling, highlighting the need for specialized investigators, prosecutors and analysts to work together to build cases against smugglers of migrants. He noted that Joint Task Force Alpha had been established in the United States to facilitate cooperation with investigators and prosecutors in other countries in the region to combat the smuggling of migrants and specifically target the leadership of criminal groups. Mr. Badawy noted that his country engaged in parallel investigations with other countries to investigate cases of migrant smuggling, and he emphasized the importance of sharing information to

identify smugglers, smuggled migrants and smuggling routes. He encouraged States to identify and share specific points of contact to facilitate the exchange of information and the provision of assistance.

18. Mr. Granados emphasized the need for new methods of investigation and prosecution to address the ongoing transformation of criminal networks engaging in migrant smuggling, as well as the importance of targeting the leaders of such networks rather than lower-level operatives or intermediaries. He noted that joint operations, including Operation Turquesa, had contributed to reducing the smuggling of migrants in El Salvador. He highlighted the need for regional awareness and the provision of economic opportunities to undermine the appeal of migrant smuggling as a lucrative activity, and he encouraged the updating of regional contact points, as well as the use of regional strategic networks and the establishment of strategic partnerships to combat migrant smuggling.

19. Ms. Bejarán Álvarez gave an overview of the efforts of the Dominican Republic to address migrant smuggling and emphasized links to other crimes, such as corruption, trafficking in persons and the use of falsified documents. She noted that the Dominican Republic, with support from UNODC, had recently amended its law on the smuggling of migrants and trafficking in persons in order to address those interlinkages more effectively. She referred to the impact of specialized prosecutors in related cases, including with a view to enabling testimonies from child witnesses and prosecuting related money-laundering. Ms. Bejarán Álvarez stressed the importance of bringing together focal points among specialized police and prosecution units to facilitate the exchange of information, support investigations and operations and establish investigative models with a view to ensuring inter-agency coordination.

20. Following the presentations, delegates posed questions on specific measures to counter the smuggling of migrants, including on the use of social media and other platforms, the participation of public officials in investigations of criminal networks and the experiences of countries in addressing crimes committed in their territorial waters.

21. In the discussion that followed, several speakers emphasized the importance of international cooperation involving investigators and prosecutors and of enabling proactive information-sharing to facilitate swift responses. Some speakers shared practical examples of international cooperation, especially through networks such as the Ibero-American Network of Specialized Prosecutors against Trafficking in Persons and the Smuggling of Migrants. Some speakers encouraged the use of specialized prosecution units to fight migrant smuggling, as well as the use of liaison investigators and magistrates and the use of integrated approaches involving officials from other sectors, such as social welfare and the private sector, including financial institutions and technology companies. The Organized Crime Convention was underlined as a relevant tool to provide the legal basis for international cooperation.

22. Some speakers noted that increased restrictions on mobility and reduced access to regular migration pathways resulting from the coronavirus disease (COVID-19) pandemic had fuelled the smuggling of migrants. Several speakers referred to a recent incident in which more than 40 smuggled individuals who had died by asphyxiation had been found in an abandoned truck, emphasizing the urgency of addressing the crime.

23. Some speakers emphasized the need to protect the rights of migrants and increase cooperation with smuggled migrants in investigating and prosecuting cases of migrant smuggling, noting, as a good practice, the involvement of smuggled migrants in investigations as witnesses rather than suspects, as well as the possibility of reducing sanctions for those complicit in smuggling in the case of their cooperation with investigating authorities.

24. One speaker emphasized the need to look at the root causes of migrant smuggling and trafficking in persons, such as conflict, terrorism and natural disasters, that forced people to engage the services of smugglers. One speaker elaborated on the

different platforms used by countries to share intelligence and crime analyses within the framework of INTERPOL.

25. Several speakers welcomed the cooperation and support of UNODC in coordinating efforts to combat the smuggling of migrants. Others commended the secretariat for the preparations put in place for the meeting, including the background and related documentation.

C. Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

26. At its 3rd meeting, on 28 June 2022, the Working Group considered agenda item 4, entitled “Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”.

27. A representative of the secretariat made a presentation on the progress and status of the review process of the Mechanism, sharing updates and data on the reviews and addressing challenges encountered so far in the review process. The secretariat had offered bilateral briefings on the Mechanism on the margins of the meetings of the working groups to increase awareness among the participants of their countries’ involvement in the review process. In that regard, some speakers thanked the secretariat for its efforts in supporting the review process of the Organized Crime Convention.

28. Best practices related to the coordination of participation in the Mechanism at the national level were discussed, and the establishment of a comprehensive national committee working on issues relating to the implementation review was mentioned as a good practice. As noted in the example brought to the attention of the Working Group, such a national committee might be comprised of competent national authorities, as well as representatives from civil society and minority groups and regional-level representatives, who would be encouraged to take on an active role in the review process.

29. The importance of the broad participation of non-governmental stakeholders in the constructive dialogues and the need for inclusivity in the review process were highlighted by many speakers. In that regard, reservations concerning the objection by one State party to the participation of two non-governmental organizations in the constructive dialogues was expressed. Subsequently, one speaker reiterated the grounds for the objection made by his country to the participation of two non-governmental organizations.

30. The need to expedite the process of nominating focal points and governmental experts in order to ensure the timely progress of the Mechanism was also underscored, and the Chair invited States parties to submit nominations to the secretariat at their earliest convenience.

D. Other matters

31. At its 3rd meeting, on 28 June 2022, the Working Group considered agenda item 5, entitled “Other matters”.

32. Some speakers requested additional information on the availability of national statements on the dedicated website of the Working Group, and confirmation was given that all statements sent to the secretariat would be published.

IV. Organization of the meeting

A. Opening of the meeting

33. The ninth meeting of the Working Group on the Smuggling of Migrants was held in Vienna on 27 and 28 June 2022. Four meetings were held.

34. The meeting was opened by Francesco Testa (Italy), Chair of the Working Group. He addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

B. Statements

35. Under agenda item 2, with the Chair presiding, the discussion was led by Gogé Maimouna Gazibo, Liaison Magistrate against Trafficking in Persons and the Smuggling of Migrants of the Niger in Italy (Niger).

36. Under agenda item 3, with the Chair presiding, the discussion was led by the following panellists: Frank Ofori Apronti, Chief Superintendent of the Document Fraud Expertise Centre, Ghana Immigration Service (Ghana), Rami S. Badawy, Trial Attorney in the Human Rights and Special Prosecutions Section, Department of Justice (United States), Yoanna Bejarán Álvarez, Magistrate and Head, Office of the Special Prosecutor against the Smuggling of Migrants and Trafficking in Persons of the Attorney General's Office (Dominican Republic), Calogero Ferrara, Public Prosecutor and European Delegated Prosecutor in Palermo (Italy), and Salvador Granados, Inspector and Chief of the Specialized Unit on Trafficking in Persons and the Smuggling of Migrants of the Central Investigation Division of the National Civil Police (El Salvador).

37. Under agenda items 2 and 3, statements were made by representatives of the following parties to the Smuggling of Migrants Protocol: Armenia, Azerbaijan, Brazil, Canada, Chile, Democratic Republic of the Congo, Egypt, El Salvador, European Union, France, Guatemala, Honduras, Indonesia, Netherlands, New Zealand, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States and Venezuela (Bolivarian Republic of).

38. The observers for Bangladesh, China, Iran (Islamic Republic of) and Malaysia also made statements.

39. The observer for the Holy See, a non-member State maintaining a permanent observer mission, also made a statement.

40. The Working Group also heard statements by the observers for INTERPOL and the Office of the United Nations High Commissioner for Refugees.

41. Under agenda item 4, statements were made by representatives of the following parties to the Smuggling of Migrants Protocol: Armenia, Azerbaijan, Canada, El Salvador and Guatemala.

42. The observer for Colombia also made a statement under agenda item 4.

43. Under agenda item 5, statements were made by representatives of the following parties to the Smuggling of Migrants Protocol: Armenia and Azerbaijan.

44. The observer for the Islamic Republic of Iran also made a statement under agenda item 5.

C. Adoption of the agenda and organization of work

45. At its 1st meeting, on 27 June 2022, the Working Group adopted by consensus the following agenda:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Good practices in cooperating with the private sector to prevent and combat the smuggling of migrants.
3. Sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches.
4. Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
5. Other matters.
6. Adoption of the report.

46. As agreed by the extended Bureau of the Conference of the Parties, the meeting was held in a hybrid format, with a restricted number of participants present in the meeting room and all other participants connected remotely using an interpretation platform used under contract by the United Nations.

47. In order to make the best use of the time available, no general statements were made during the meeting. Delegations had the option to submit general statements as well as their statements on the agenda items in writing. The texts of all statements are available on the website of the meeting.

D. Attendance

48. The following parties to the Smuggling of Migrants Protocol were represented at the meeting, including those connected remotely owing to the specific format of the meeting in the light of the COVID-19 pandemic: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, European Union, Finland, France, Germany, Ghana, Greece, Guatemala, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Mali, Malta, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Serbia, Slovakia, South Africa, Spain, Sudan, Switzerland, Tunisia, Türkiye, Ukraine, United Kingdom, United States, Uruguay, Venezuela (Bolivarian Republic of) and Zambia.

49. The following States signatories to the Smuggling of Migrants Protocol were represented by observers, including those connected remotely owing to the specific format of the meeting: Bolivia (Plurinational State of), Iceland, Ireland and Thailand.

50. The following States that are not parties or signatories to the Smuggling of Migrants Protocol were represented by observers, including those connected remotely owing to the specific format of the meeting: Bangladesh, China, Colombia, Iran (Islamic Republic of), Israel, Jordan, Malaysia, Morocco, Pakistan, Qatar, Saint Lucia, Yemen and Zimbabwe.

51. The Holy See, a non-member State maintaining a permanent observer mission, was represented by observers.

52. The Sovereign Order of Malta, an entity maintaining a permanent observer office, was represented by an observer.

53. The following intergovernmental organizations and mechanisms and United Nations entities were represented by observers, including those connected remotely owing to the specific format of the meeting: Andean Community, Commonwealth of Independent States, Cooperation Council for the Arab States of the Gulf, Economic Community of West African States, International Centre for Migration Policy Development, INTERPOL, League of Arab States, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Office of the United Nations High Commissioner for Refugees, Parliamentary Assembly of the Mediterranean, United Nations Conference on Trade and Development, United Nations Development Programme and World Health Organization.

54. A list of participants is contained in document [CTOC/COP/WG.7/2022/INF/1/Rev.1](#).

E. Documentation

55. The Working Group had before it the following:

(a) Annotated provisional agenda ([CTOC/COP/WG.7/2022/1](#));

(b) Background paper prepared by the Secretariat on good practices in cooperating with the private sector to prevent and combat the smuggling of migrants ([CTOC/COP/WG.7/2022/2](#));

(c) Background paper prepared by the Secretariat on 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](#));

(d) Conference room paper containing a note by the Secretariat on the status of the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto ([CTOC/COP/WG.6/2022/CRP.1/Rev.1](#)).

V. Adoption of the report

56. At its 4th meeting, on 28 June, the Working Group adopted sections I, II, IV and V of the present report.