

5 October 2023

English only

Working Group on the Smuggling of Migrants

Vienna, 5–6 October 2023

Topics for future sessions of the Working Group

Note by the Secretariat

I. Introduction

1. In its second session (11 to 13 November 2013), the Working Group on the Smuggling of Migrants recommended that the Conference of the Parties should consider initiating discussions regarding the possibility that the Working Group develop and follow a workplan for its future meetings.¹ The purpose of this conference room paper is to inform any discussion of the Working Group regarding which topics it should address in future sessions.

2. The paper collates topics that were either agreed as future priorities by the Working Group in past sessions, or that stem from resolutions and decisions adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. The paper also suggests, for easy reference, a grouping of these topics, into five broad categories, each containing specific sub-issues.

II. Working Group – Past and Future Topics

3. For an overview and outline of the key topics addressed during the Working Group's first seven sessions, see the [Thematic Compendium of background papers of the Working Group on the Smuggling of Migrants](#) (2021).²

4. At its sixth session (11 to 13 September 2019) the Working Group on the Smuggling of Migrants adopted a recommendation proposing a non-exhaustive list of topics for consideration as agenda items of future sessions. In its second session (11 to 13 November 2013), the Working Group had adopted a similar recommendation capturing another list of topics. Of all of these suggested topics, some were addressed in subsequent meetings - either as the focus of a Working Group session or at least partially addressed in discussions of the Working Group.

¹ [Report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 November 2013.](#)

² [CTOC/COP/WG.7/2021/4.](#)



5. The following table seeks to note what the Working Group has previously recommended to address in its future work and whether it has, in fact, subsequently addressed those topics.

<u>Proposed future topics</u>	<u>Proposed when?</u>	<u>Has the Working Group addressed the topic since it was proposed?</u> ³
Analysis of the impact that the availability of regular channels of migration has in reducing demand for the smuggling of migrants	6 th WG 2019	Yes, as a focus of the 8 th WG in 2021.
Use of advanced investigative techniques, including financial and digital investigations , in combating migrant smuggling crimes	6 th WG 2019	No, the topic has not been addressed since 2019 but the 4 th WG did focus on use of the UNTOC Convention and its provisions on special investigative techniques.
Enhancement of bilateral, regional and international cooperation in investigating, collecting evidence on and prosecuting migrant smuggling crimes	6 th WG 2019	Partly, the 9 th WG in 2022 addressed ‘sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches’.
Best practices in the establishment and operation of joint investigation teams and specialized prosecution units	6 th WG 2019	No, topic has not been addressed since 2019 but the 4 th WG did focus on the related use of the UNTOC Convention & the 8 th WG focused on strengthening prosecutorial capacity.
Successful strategies concerning the use of technology to prevent and investigate smuggling	6 th WG 2019	Yes, as a focus of the 7 th WG in 2020.
How the media can support the development, implementation and assessment of anti-smuggling responses	6 th WG 2019	No, the topic has not been addressed by the WG.
Effective models of cooperation in combating the smuggling of migrants	6 th WG 2019	No, the topic has not been fully addressed since 2019 but the 9 th WG focused on: cooperation with private sector; and increasing international cooperation in investigations.
Adapting investigations to respond to the multimodal smuggling of migrants	6 th WG 2019	No, the topic, as described, has not been a focus of the WG.
Good practices in cooperating with the private sector to prevent and combat the smuggling of migrants	6 th WG 2019	Yes, as a focus of the 9 th WG in 2022.
Sharing national procedures to investigate the smuggling of migrants with a view to enhancing international cooperation and the possible harmonization of approaches	6 th WG 2019	Yes, as a focus of the 9 th WG in 2022.
How to use information and communication technology to respond to criminal groups engaged in the smuggling of migrants that are increasingly using cyberspace	6 th WG 2019	Yes, as a focus of the 7 th WG in 2020.
How to strengthen the capacity to prosecute migrant smuggling cases	6 th WG 2019	Yes, as a focus of the 8 th WG in 2021.
The promotion of the exchange of information , accessible to criminal	6 th WG 2019	No, the topic, as described, has not been a focus of the WG.

³ The responses to this question are based on the substantive agenda items of the Working Group’s sessions to date. In the course of its discussions on these substantive items, the Working Group has adopted recommendations on other topics and issues, but these have tended to be limited in scope and detail.

<u>Proposed future topics</u>	<u>Proposed when?</u>	<u>Has the Working Group addressed the topic since it was proposed?</u> ³
system operators, through basic forms, if possible, by electronic means, that are reliable and useful in criminal proceedings		
The effect of natural disasters, conflicts and crises on trends in organized criminal groups and on routes for the smuggling of migrants	6 th WG 2019	Yes, as a focus of the 7 th WG in 2020.
Adopting global approaches in order to address the causes of the smuggling of migrants	6 th WG 2019	No, the topic, as described, has not been a focus of the WG.
Smuggling of vulnerable migrants , such as children, including unaccompanied children	2 nd WG 2013	Partly, the 3 rd WG in 2015 addressed ‘practical measures to prevent the smuggling of migrants and children, in particular unaccompanied children, such as the issuance of visas on arrival, public information campaigns and training sessions on fraudulent documents’.
Practical measures to prevent the smuggling of migrants, such as visa on arrival, public information campaigns and training sessions on fraudulent documents	2 nd WG 2013	Yes, as a focus of the 3 rd WG in 2015.
Organized crime aspects of the smuggling of migrants, including financial investigation and responses targeting the proceeds of crime	2 nd WG 2013	Yes, the 4 th WG in 2017 addressed ‘examination of the financial and material benefits aspect of the definition of smuggling of migrants’.
(Development, challenges and best practices in preventing and combating the) smuggling of migrants by sea	2 nd WG 2013 and 9 th WG 2022	Yes, the 3 rd WG in 2015 addressed ‘Smuggling of Migrants by Sea’. The topic is also addressed in the current 10 th session.
Criminal justice responses, including investigations and prosecutions of perpetrators of migrant smuggling operations	2 nd WG 2013	Yes, as a focus of the 5 th WG in 2018. The topic is also partially addressed in the current 10 th session.

III. Conference of the Parties to UNTOC – Resolutions and Decisions on Trafficking in Persons

6. With reference to Resolutions 5/3 in 2010 and 6/3 in 2012, the Working Group on the Smuggling of Migrants may also wish to consider these outputs of the Conference in informing the focus of future sessions of the Working Group. Ensuring a thematic workplan of the Working Group takes account of the agreed actions to be undertaken by States in those resolutions might allow States to better share national experiences and practices on their implementation in practice as well as enhance the implementation of those resolutions and the Smuggling of Migrants Protocol.

7. The following topics stem from operative paragraphs of the UNTOC resolutions on smuggling of migrants:

(a) Programmes and cooperation at the national, regional and international levels in **support of regular migration** and of **deterring irregular migration** so as to prevent and combat the smuggling of migrants (OP 4, resolution 5/3);

(b) International cooperation, including in **extradition and mutual legal assistance** as well as through strengthening related legislation (OP 5, 5/3);

(c) **Protection of smuggled migrants from** violence, discrimination, torture or other cruel, inhuman and degrading treatment or punishment, as well as the **violation of their rights**, and to provide smuggled migrants who have been victims of violent crimes with effective **access to justice** and legal assistance (OP 3, 6/3);

(d) **Returning smuggled migrants**, including programmes for repatriation to the countries of origin, with the assistance of relevant international organizations and civil society, and in countries of origin, transit and destination (OP 15, 6/3);

(e) **Multiagency cooperation and coordination**, for the purpose of data collection, **strategic and tactical analysis** and information-sharing in order to detect, prevent and suppress the smuggling of migrants (OP 17, 6/3).

IV. Clustering possible future topics

8. In summary, the Working Group on Smuggling of Migrants may wish to consider all of the above-noted topics in considering what subject matter it might prioritise for discussion in future sessions. To assist such, the following list provides a grouping of these topics into five broad categories, with each containing examples of the relevant and specific sub-issues noted in the previous sections:

- **Concepts and implementation of the Smuggling of Migrants Protocol:** including global approaches to address the causes of the smuggling of migrants.
- **Prevention of Smuggling of Migrants:** including effects of prevention and awareness-raising campaigns to address smuggling of migrants; programmes to support regular migrants and to deter irregular migration.
- **Protection of and assistance to smuggled migrants:** including protection of smuggled migrants from violence, discrimination, torture or other cruel, inhuman and degrading treatment or punishment, as well as the violation of their rights, and to provide smuggled migrants who have been victims of violent crimes with effective access to justice and legal assistance.
- **Prosecution of crimes of migrant smuggling:** including joint investigation teams and specialized prosecution units; adapting investigations to respond to the multimodal smuggling of migrants.
- **Strengthening of partnerships:** including multiagency cooperation and coordination for the purpose of data collection, strategic and tactical analysis and information sharing; the role of the media to support the development, implementation and assessment of anti-smuggling responses.