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**Preventing and combating the smuggling of
migrants through international cooperation while
addressing its root causes, in line with the
provisions of the United Nations Convention against
Transnational Organized Crime and the Protocols
thereto**

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Background paper prepared by the Secretariat

I. Introduction

1. The present background paper was prepared by the Secretariat to facilitate the discussions of the Working Group on the Smuggling of Migrants at its eleventh meeting. It sets out a series of issues that the Working Group may wish to address in the course of its deliberations. It also provides background information and practical suggestions for actions that would have a positive impact on efforts to prevent and combat the crime of migrant smuggling through international cooperation while addressing its root causes, in line with the provisions of the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention. The paper includes references to research, current practices and regional and international cooperation instruments and arrangements, as well as recent findings from expert consultations, and seeks to address challenges in current approaches to the implementation of the prevention and cooperation provisions of the Smuggling of Migrants Protocol.

II. Issues for discussion

2. Delegations may wish to consider their own national legal, policy and operational frameworks and local knowledge, practice, challenges and cross-border

* [CTOC/COP/WG.7/2024/1](#).



experience in relation to the following questions in order to facilitate the deliberations of the Working Group on this topic:

(a) Which provisions of the Smuggling of Migrants Protocol and other related international instruments are States parties currently seeking to implement in order to advance the prevention of smuggling of migrants and to enhance international cooperation to that end? What related activities have States parties undertaken?

(b) What are the root causes of migrant smuggling, and what are some of the specific challenges States parties have experienced in addressing them?

(c) How have States parties cooperated at the regional and international levels to address the root causes of and respond to migrant smuggling? What lessons have been learned from those experiences, and what good or promising practices have been identified?

(d) How can international cooperation among States parties be enhanced to prevent and combat the smuggling of migrants more effectively, including through the detection and prevention of illicit financial flows derived from migrant smuggling offences?

(e) How can training activities for law enforcement officers and prosecutors incorporate the effective use of financial information and modern technology in smuggling of migrants cases?

III. International legal frameworks and standards: cooperation to prevent and combat the smuggling of migrants

3. The Smuggling of Migrants Protocol contains a section entitled “Prevention, cooperation and other measures”, consisting of articles 10 to 18. The section can largely be broken down into three focus areas, each of which is addressed in turn below.

Law enforcement

4. First, the section includes articles on law enforcement preparedness and proactive State initiatives aimed at outmanoeuvring and staying ahead of criminals and their activities. For example, article 10 requires States parties to the Protocol, especially those which share a border or are located on the same migrant smuggling routes, to exchange information on matters such as embarkation and destination points, routes, carriers and means of transportation used by smuggling organizations; the identity and methods of smugglers; means and methods of concealment and misuse of travel documents; legislative experience and practice; and scientific and technological information used by law enforcement to prevent, detect and investigate migrant smuggling.

5. In a similar vein, article 14 underscores the need to build the capacity of immigration and other officials in the specialized skills required to detect and investigate migrant smuggling. It also requires cooperation with other States parties, international organizations and civil society organizations. Specific thematic areas prioritized for capacity-strengthening include improving the security and quality of travel documents and the detection of fraudulent documents, gathering criminal intelligence on organized criminal groups engaged in migrant smuggling and on their methods, improving the detection of migrant smuggling at formal and informal crossings and ensuring the humane treatment of migrants.

Border and cross-border responses

6. Second, the section sets out measures for strengthening border security and making borders more resilient to unauthorized entry. Articles 11–13, for example, address measures aimed at enhancing border management and exercising greater control over border crossings. Article 11 requires States parties to strengthen border

controls and hold commercial carriers accountable for ensuring that their passengers have the relevant travel documents. Articles 12 and 13 reinforce those requirements with document security provisions, obliging States parties to ensure the integrity and security of travel and identity documents and that they are of such quality that they cannot be easily tampered with and misused. States parties are also urged to provide mutual and prompt cooperation in verifying the authenticity of such documents.

7. The Protocol supplements the Organized Crime Convention, the primary aim of which is international cooperation to prevent and combat transnational organized crime (art. 1). Article 37 of the Convention and article 1 of the Protocol reflect the basic relationship between the two instruments and should therefore be taken into account jointly. The instruments were developed as a set, with general provisions against transnational organized crime, such as those governing extradition and mutual legal assistance, in the parent Convention, and elements specific to the smuggling of migrants in the Protocol itself.¹

8. Particularly relevant here is article 27 of the Convention, which emphasizes the need for enhanced communication channels and swift exchange of information among law enforcement entities on aspects of organized crime. Apart from strengthening the channels of communication among their respective law enforcement authorities (art. 27, para. 1 (a)), States parties are obliged to take effective measures to cooperate in conducting inquiries with respect to offences covered by the Convention in order to obtain information about persons, the movements of proceeds or property, equipment or other instrumentalities of crime (art. 27, para. 1 (b)); provide to each other items or quantities of substances for analysis or other investigative purposes (art. 27, para. 1 (c)); promote exchanges of personnel, including the posting of liaison officers (art. 27, para. 1 (d)); exchange information on a variety of means and methods used by organized criminal groups (art. 27, para. 1 (e)); and exchange information and coordinate administrative and other measures for the purpose of early identification of offences (art. 27, para. 1 (f)).

9. With a view to giving effect to the Organized Crime Convention, article 27, paragraph 2, calls upon States parties to consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, to consider amending them. Those agreements determine, inter alia, the authorities responsible for cooperation; oblige the parties to exchange information on points of contact within those competent authorities in order to ensure rapid and effective communication; provide for the forms, ways and means of cooperation, such as the exchange of data relating to crimes that are being planned or have been committed; and provide for cooperation in personnel management and training.

10. In the absence of relevant agreements or arrangements, States parties may further consider, in accordance with the same provision, the Organized Crime Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by the Convention. Whenever appropriate, States parties should

¹ The above-mentioned provisions establish concrete fundamental principles that govern the relationship between the Convention and the Smuggling of Migrants Protocol, such as the following:

(a) The Convention and the Protocol should be interpreted together (art. 37, para. 4, of the Convention and art. 1, para. 1, of the Protocol). In interpreting both instruments, all provisions should be considered and the ones using similar or parallel language should be given generally similar meaning. In interpreting the Protocol, its specific purpose must also be taken into account (art. 37, para. 4, of the Convention);

(b) The provisions of the Convention apply to the Protocol *mutatis mutandis* (art. 1, para. 2, of the Protocol);

(c) The offences established by the Protocol shall also be regarded as offences established in accordance with the Convention (art. 1, para. 3, of the Protocol). This principle ensures that any offences established for the purpose of criminalizing the smuggling of migrants will automatically be included within the scope of the provisions in the Convention governing international cooperation in criminal matters, such as article 16 (Extradition) and article 18 (Mutual legal assistance).

make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

11. Articles 10–14 of the Protocol expand upon and contextualize how article 27 of the Convention should be implemented in the response to migrant smuggling.

12. Central to the prevention of smuggling of migrants is safeguarding the human rights of migrants. Key provisions in this regard are set out in article 16 of the Protocol, on the provision of assistance to migrants and the protection of migrants against violence that may be inflicted upon them during the smuggling process, stressing the primacy of upholding their right to life and their right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Accordingly, the facilitation of consular assistance is included.

13. Another key instrument reinforcing the commitments in articles 10–14 and 16 of the Protocol is the Global Compact for Safe, Orderly and Regular Migration. In objective 9, paragraph 25 (b), of the Global Compact, States commit to using transnational, regional and bilateral mechanisms to share information on migrant smuggling routes, the *modi operandi* and financial transactions of smugglers, and the vulnerabilities faced by smuggled migrants, as well as other data to dismantle smuggling networks and enhance joint responses.

Root causes and safe movement

14. Third, article 15 of the Protocol (Other prevention measures) contains provisions to address, with a longer-term view, the root causes of migrant smuggling in countries from which migrants originate. Those provisions encompass actions such as raising public awareness of the criminal nature of migrant smuggling and the risks involved for migrants in order to prevent them from being lured in by organized criminal groups. States parties are required to cooperate in this regard and to promote or strengthen development programmes and related cooperation at the national, regional and international levels. This includes programmes aimed at addressing poverty and underdevelopment, among other underlying socioeconomic issues that may influence the decision to migrate, including using the services of migrant smugglers.

15. Similarly, in objective 2 of the Global Compact for Migration, States committed to addressing the adverse drivers and structural factors compelling people to leave their countries of origin. That commitment encompasses actions such as investing in programmes on poverty eradication, food security, health and sanitation, education, inclusive economic growth, gender equality and the empowerment of women, climate change mitigation and adaptation, addressing violence and discrimination, access to justice and maintenance of the rule of law and good governance.

16. In objective 9, paragraph 25 (f), of the Global Compact for Migration, States committed to cooperating with each other and other partners in development, public information, justice, training and capacity-building, with a focus on source countries for irregular migration.

17. To reinforce the importance of cooperation in the actions set out in the provisions of the Protocol on prevention, cooperation and other measures, States parties are required, under article 17 of the Protocol, to consider concluding bilateral and regional agreements to establish the most appropriate and effective measures to prevent and combat migrant smuggling or enhance the provisions of the Protocol among themselves.

18. Lastly, the prevention and cooperation measures set out in the Protocol include the return and reintegration of smuggled migrants. Article 18 addresses the obligation of States parties to facilitate and accept the return of their nationals and permanent residents, which includes swiftly responding to requests to verify nationality or permanent residence and providing travel documentation or authorization without prejudice to other rights. States parties may cooperate with international organizations in the implementation of article 18.

19. Corresponding to article 18 of the Protocol, objective 21 of the Global Compact for Migration details commitments to foster cooperation to facilitate safe and dignified return, readmission and reintegration. Those commitments include abiding by bilateral, multilateral and regional agreements, such as readmission agreements; ensuring individual assessment and preventing returns that create the risk of death, torture and other cruel, inhumane or degrading treatment, in accordance with international human rights obligations; promoting gender-responsive, child-sensitive approaches, for example by providing legal, social and financial support; and cooperation in the identification of nationals and the issuance of documents.

20. The Sustainable Development Goals are another important international framework setting targets relevant to cooperation and the prevention of smuggling of migrants. For example, in target 10.7 of the Goals, States are urged to take measures to “facilitate orderly, safe, regular and responsible migration and mobility of people”, for example through well-managed migration policies. In Goal 16, States are encouraged to promote peaceful and inclusive societies in order to achieve sustainable development, including through addressing violence, ending abuse, upholding the rule of law and ensuring equal access to justice for all.

21. In summary, the Protocol and other international instruments lay the foundation for a holistic approach to the prevention of migrant smuggling in which specialized law enforcement and border security measures are balanced with actions focused on human rights and development. Cooperation among States parties to the Protocol and key partners is critical to achieving this goal.

IV. Challenges: an overview of issues, related topics and relevant guidance

A. Background

22. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that the total number of forcibly displaced people in mid-2023 was 110 million, including refugees, asylum-seekers, people in need of international protection and internally displaced people.² Statistics published by the United Nations Population Fund, the Department of Economic and Social Affairs and UNHCR collectively demonstrate that, between 2010 and 2020, the volume of forced migration more than doubled (to 90 million in 2020), growing faster than the overall world population (7.8 billion in 2020) and the volume of international migration in general.³

23. Among forced and other categories of mixed migrants are those whose travel is facilitated by migrant smugglers for profit or material benefit. With reference to the Mediterranean region alone, an analysis by the United Nations Office on Drugs and Crime (UNODC) shows a 58 per cent increase in the number of people smuggled or attempted to be smuggled across the Mediterranean Sea between 2022 and 2023.⁴ In terms of raw data, that translates into at least 223,000 people who were smuggled or attempted to be smuggled along the central Mediterranean route in 2023, representing a significant increase from the estimate of 141,000 people subject to smuggling and attempted smuggling offences in 2022.⁵

² Office of the United Nations High Commissioner for Refugees (UNHCR), Refugee Data Finder, Data insights, “What is the difference between population statistics for forcibly displaced and the population that UNHCR protects and/or assists?” Available at www.unhcr.org/refugee-statistics/insights/explainers/forcibly-displaced-pocs.html.

³ Ludger Pries, Oscar Calderon Morillón and Brandon Amir Estrada Ceron, “Trajectories of forced migration: Central American migrants on their way toward the USA”, *Journal on Migration and Human Security*, vol. 12, No. 1 (March 2024), pp. 39–53.

⁴ United Nations Office on Drugs and Crime (UNODC), UNODC Observatory on Smuggling of Migrants, “Update #2: April 2024” (forthcoming; to be published in October 2024).

⁵ UNODC Observatory on Smuggling of Migrants, “Update #1: March 2022”. Available at www.unodc.org.

24. Despite ongoing criminal justice efforts to address the smuggling of migrants, it has increased at unprecedented levels, thus pointing to possible deficiencies in current approaches.

25. The demand for migrant smuggling arises from people's strong desire to migrate, combined with a lack of access to legal pathways for regular migration and the difficulty of migrating independently. Obstacles to exercising free movement rights, corruption and safety concerns also contribute to the demand for migrant smuggling in certain regions.⁶

B. Root causes of migrant smuggling

26. Research has shown that people feel desperate to migrate because of issues such as bad governance, violence, corruption and endemic poverty.⁷ For example, in a recent regional migration study, Central American migrant interviewees noted that they had first tried to relocate within national borders, but had then decided to undertake the perilous journey to North America because of fear of gangs, a lack of educational opportunities in their countries and pervasive poverty.⁸ In addition to poor economic conditions and fear of violence and criminality, other key reasons for forced migration include fear of violent conflict and war, forced conscription into armed groups, persecution and discrimination.⁹ Research has shown that, for many, it is most often not a question of whether to leave at all, considering that it is not an option to stay, but rather a question of the terms under which the migration occurs.¹⁰ People are willing to put themselves at great risk because of desperation and an objective lack of alternatives.

27. Restriction of regular migration pathways does not stop migratory movement but instead pushes people who are unable to access those pathways into the shadows – into the hands of smugglers. It also creates opportunities for other types of organized crime. For example, studies have shown convergence between the drug and migrant smuggling markets in some regions, for example in well-documented cases of criminal organizations engaged in drug trafficking in Mexico imposing a fee on migrant smugglers to allow them to operate across the border, and migrants being forced to carry backpacks full of drugs along the same routes.¹¹

28. A newly released UNODC study on migrant smuggling in South-East Asia¹² has found that, among refugees and migrants, the demand for migrant smuggling is driven by the following factors: (a) a perceived lack of opportunities for regular migration in contexts of conflict, violence and persecution; (b) statelessness and lack of access to travel and identity documents; (c) limited or no options for regular labour migration; and (d) environments in which corruption is rife. For example, many Rohingyas from Myanmar interviewed by UNODC noted that harassment, persecution and violence perpetrated by the authorities and private citizens drove them to leave, and the security issues (e.g. the risk of being killed or subjected to abuse) forced them to use smugglers. Statelessness and the lack of access to travel documents were also cited as key reasons for using smugglers.¹³

⁶ UNODC Observatory on Smuggling of Migrants, "Migrant smuggling from Nigeria: key findings", available at www.unodc.org; and UNODC, *Toolkit to Combat Smuggling of Migrants* (Vienna, 2010).

⁷ Erol Yayboke, "Addressing the root causes of migration to strengthen national security", in *Human Rights in a Shifting Landscape: Recommendations for Congress*, Centre for Strategic and International Studies (Washington, D.C., 2019).

⁸ Pries, Calderon Morillón and Estrada Ceron, "Trajectories of forced migration".

⁹ Ibid.

¹⁰ Yayboke, "Addressing the root causes of migration to strengthen national security".

¹¹ Ibid.

¹² UNODC Observatory on Smuggling of Migrants, *Migrant Smuggling in Southeast Asia: Research Findings on Migrant Smuggling in Southeast Asia* (Vienna, 2024). Available at www.unodc.org and <https://storymaps.arcgis.com/stories/24c172302ab64ad0b786ee16fa8e601c>.

¹³ Ibid.

29. Migrants of other nationalities who were interviewed in the region, including Cambodian, Vietnamese, Afghan and Somali nationals, also cited insecurity, fear, discrimination and a lack of access to livelihoods and education as drivers for their migration. Migrants interviewed had the perception that smugglers were easier and cheaper to access than regular migration routes, which often entailed prohibitive costs and bureaucracy.¹⁴

30. Climate-related issues were also cited as a reason influencing the decision to migrate and as a driver of migrant smuggling in some cases. Mostly, sudden-onset events such as floods or storms were the main drivers of such migration, but slow-onset events were also reported, including livestock and crop diseases or extreme temperatures. Three out of four Bangladeshi migrants interviewed cited climate-related issues as key influences on their decision to migrate.¹⁵

31. Corruption was also identified as a key driver and enabler of migrant smuggling. Smuggled migrants interviewed believed that they needed a smuggler to deal with the authorities because of collusion between smugglers and officials and the bribes payable to authorities to facilitate movement.¹⁶

32. Another study on migrant smuggling from the Horn of Africa to Europe revealed that intractable conflicts and poor governance caused refugees and asylum-seekers fleeing political and other forms of persecution to leave. Other categories of migrants left in search of better economic opportunities elsewhere, and still others because of social and psychological imperatives to join their relatives.¹⁷

33. The same study showed that migrant smuggling was also driven by ineffective criminal justice deterrent measures, characterized by low levels of prosecution and conviction of smugglers and exacerbated by the complicity of law enforcement officials. It was noted that law enforcement in the region was not well remunerated and was thus easily corruptible. In extreme cases, military convoys were known to escort smuggled refugees and migrants in exchange for a percentage of the smuggling fee.¹⁸

34. Another issue identified was the differing policy priorities of some of the source and transit countries compared with those of destination countries. As is the case in South Asia, remittances make up a significant part of the gross domestic product (GDP) in some of the countries of origin studied; in Somalia, for example, remittances make up 25 per cent of GDP, and in Ethiopia they account for 5 per cent. Remittances are a viable mechanism for poverty reduction and improving conditions, and they can have a direct impact on the interest of States in taking measures that hinder migration.¹⁹

35. Identified drivers of migrant smuggling in transit countries (e.g. Libya and the Sudan) include interest in the income generated from migrants in transit; the longer they stay, the more they support the local economy.²⁰ A similar finding emerged with regard to Indigenous communities in the Darien area in Central America, who guide migrants through their land in exchange for pay that is significantly higher than what they can earn cultivating crops.²¹

36. With regard to migrant smuggling in West Africa and North Africa, both within those regions and across the Mediterranean Sea, a recent transnational organized

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Assefaw Bariagaber, "States, migrants, and the challenge of international human smuggling and trafficking in the Horn of Africa", *Journal of Global South Studies*, vol. 40, No. 2 (2023), pp. 249–273.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ International Crisis Group, "Bottleneck of the Americas: crime and migration in the Darien Gap", Latin America Report, No. 102 (Brussels, 2023).

crime threat assessment prepared by UNODC²² showed that the demand for migrant smuggling was primarily driven not only by economic factors, but also by personal and family reasons (especially for female migrants), as well as violence, insecurity and conflict for those coming from countries affected by conflict. These issues, coupled with challenges in accessing legal migration pathways, were cited as reasons for using smugglers. Interestingly, even in regions with visa-free travel, such as the Economic Community of West African States under the Free Movement Protocol, it was found that migrants still relied on smugglers. The reasons for that phenomenon included widespread corruption and the prohibitive costs of obtaining travel and identity documents. While State authorities often take months to process travel and identity documents at a high price, smugglers can forge documents in hours and provide them at a fraction of the price.²³

37. Furthermore, bribe demands by corrupt officials at borders create a barrier to free movement, putting smugglers in a position to negotiate smaller, more predictable bribes using their contact networks in the police, border control authorities and detention centres. This makes smugglers more appealing, even to migrants with legitimate travel documents.²⁴

38. The analysis also revealed that smugglers are considered an important source of information. In risky environments – with or without a smuggler – migrants may be subject to abuse. Nevertheless, migrant women interviewed by UNODC reported a preference for migrating with the help of a smuggler in such circumstances.²⁵

39. Smugglers interviewed by UNODC noted they engaged in smuggling to make extra money; many of them had other jobs. The smuggling helped them to feed their families and was more profitable than the formal economy. Many also stated that they were motivated by philanthropic reasons, namely, helping refugees and migrants.

40. Money is a key motivation for involvement in migrant smuggling. In the UNODC *Global Study on Smuggling of Migrants 2018*, it is estimated that at least 2.5 million migrants were smuggled in 2016 for an economic return of \$5.5 billion–\$7 billion. The fees for an individual migrant are largely determined by the distance of the smuggling trajectory, the number of border crossings, geographical conditions, the means of transport, the use of fraudulent travel or identity documents, the risk of detection and other factors. Nevertheless, only few financial investigations are carried out to address migrant smuggling cases.

41. Immigration enforcement measures have a limited effect unless they are combined with flexible legal pathways. Regular migration pathways safeguard the rights of migrants and reduce the ability of criminal groups to profit from migrant communities.

V. Responses: an overview of good or promising practices and lessons learned

A. Existing cooperation to prevent and combat migrant smuggling

42. Many examples of cooperation worldwide in preventing and combating migrant smuggling concern operational cooperation to prevent migrant smuggling through the detection of fraudulent travel documents and the deterrent effect of investigating and prosecuting the offence.

43. For example, in May 2023, the International Criminal Police Organization (INTERPOL), UNODC and the International Organization for Migration (IOM)

²² UNODC, “Smuggling of migrants in the Sahel: Transnational Organized Crime Threat Assessment – Sahel” (Vienna, 2022).

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

supported Operation CARISICA, a second phase of a joint law enforcement operation bringing together the 21 member countries of the Caribbean Community and the Central American Integration System to clamp down on criminal syndicates engaged in migrant smuggling and trafficking in persons along various known migration corridors, both within the region and from as far away as Africa and Asia. The operation followed the gathering and sharing of intelligence among countries through a joint regional communication centre, which managed an advance passenger information system for a period of time before the operation. One notable best practice was the centralized sharing of intelligence through the joint regional communication centre, which facilitated proactive trend monitoring and planning prior to well-coordinated action during the operation and in its aftermath. It also resulted in the identification of links between migrant smuggling and other types of organized crime being perpetrated by the same groups across different continents.²⁶

44. In December 2023, Operation Turquesa V against migrant smuggling and human trafficking in Central America led to 257 arrests, the rescue of 163 potential victims and the detection of 12,000 irregular migrants from 69 countries. That result was achieved through the collaboration of 33 countries at major transit points to disrupt organized criminal groups involved in migrant smuggling. INTERPOL, UNODC and IOM supported the operation, which involved a network of prosecutors from the outset in order to ensure that arrests would immediately be followed by prosecutions at the end of the operation.²⁷

45. In Southern Africa, Operation Batho clamped down on human trafficking and migrant smuggling across six countries in the region in 2018 and 2019. One focus area of the operation was aggravated migrant smuggling and ensuring access to justice for female victims of sexual abuse in transit. Female victims of crime and civil society organizations were engaged in the intelligence-gathering process, and female police officers took the lead in its execution. The first phase of the operation resulted in 21 arrests and the rescue of 87 victims, with successful prosecutions in at least some of the countries involved.²⁸

46. In Algeria, Egypt and Morocco, a UNODC-supported initiative has strengthened the capacity to trace and disrupt illicit financial flows associated with the smuggling of migrants through the provision of training for hundreds of law enforcement authorities and prosecutors in conducting parallel financial investigations along with criminal investigations of smuggling of migrants cases. The initiative will be expanded to include all North African countries along known migrant smuggling routes.

47. In terms of sharing information on trends and the *modi operandi* of smugglers, a key example is the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, a regional forum that supports collaboration, dialogue and policy development relating to irregular migration in the Asia-Pacific region and beyond.²⁹

48. Similarly, the Budapest Process, a European platform for identifying and addressing evolving migration challenges, facilitates dialogue between countries of origin, transit and destination, notably countries in the Silk Road region (Afghanistan, Bangladesh, Iran (Islamic Republic of), Iraq and Pakistan).³⁰

49. There are also examples of development cooperation to address the root causes of migrant smuggling in countries of origin. For example, in 2023, the United States Agency for International Development (USAID) announced a \$450 million investment in addressing the root causes of migration from El Salvador, Guatemala

²⁶ UNODC Regional Office for Central America and the Caribbean in Panama.

²⁷ Ibid.

²⁸ UNODC Regional Office for Southern Africa.

²⁹ See www.baliprocess.net.

³⁰ See www.budapestprocess.org.

and Honduras by increasing economic opportunities, promoting good governance and transparency and reducing crime and violence.³¹

50. The European Union provides financial assistance and development aid to secure readmission agreements with countries of origin. Although that assistance reduces irregular migration flows to some extent, it does not offset the profits from smuggling. Therefore, in order to achieve the desired impact, additional incentives would be required, such as visas for migrants who have never attempted to migrate irregularly (e.g. by means of a lottery system) in exchange for swift return. Mobility partnerships with North African countries such as Tunisia and Morocco exist as a precedent. Those partnerships were set up specifically to prevent irregular migration, not to facilitate labour migration.³²

51. According to IOM, readmission agreements may not work in cases where countries of origin are not given an incentive to conclude them. Visa facilitation and visa-free regimes, access to labour migration, and trade, technical and financial incentives can encourage countries to cooperate effectively in migration management and readmission.³³ In addition, if readmission agreements are implemented in a way that does not respect human rights, States of origin and transit may have a negative perception that such agreements are a unilateral tool for enforcement and may not comply with them as a result. Readmission agreements should comply with international human rights law. Opportunities for safe and regular migration should be provided as part of a holistic approach to readmission. There is a need for more dialogue between countries to strengthen the related incentives and to ensure that human rights law is respected, especially the right to non-refoulement and the right of children to have their best interests upheld.³⁴

52. Another strategy for cooperation to address root causes is through public awareness-raising. For example, part of the European Union Emergency Trust Fund for Africa, launched by European and African partners at the Valletta Summit on Migration in November 2015, is aimed at informing local communities and potential migrants about the risks and dangers of irregular migration, including the smuggling of migrants and trafficking in persons. By June 2023, the awareness-raising campaign had reached more than 21 million people in West Africa and the Sahel alone.³⁵

53. Research has found that migrants tend to trust other people in their situation who overcome obstacles to progress and take up livelihood opportunities (i.e. fellow nationals who have successfully migrated) more than international organizations and Governments. This is supported by cognitive psychology, which supports the idea that humans tend to search for information that favours already established beliefs, values and social identities, while downplaying contradictory information. The aspiration to migrate is shaped by social context, history, an established culture of migration and scant local economic opportunities. However, the sources trusted by migrants do not always have complete information.³⁶

54. Most campaigns of this type generally aim to raise awareness of the dangers involved in irregular migration, the difficult living conditions as an undocumented migrant in transit and at the destination, the benefits of staying at home and not migrating and the impact of stricter migration policies in destination countries, but very rarely do they cover human rights and safe migration. Research shows that such campaigns are likely to have little effect, especially if they are based on the

³¹ USAID, “USAID announces more than \$450 million in development funding to address root causes of migration in Central America”, press release, 28 November 2023.

³² Mattia Toaldo, “Don’t close borders, manage them: how to improve EU policy on migration through Libya” (London, European Council on Foreign Relations, 2017).

³³ International Organization for Migration, “Global Compact thematic paper: readmission” (2017). Available at www.iom.int.

³⁴ Ibid.

³⁵ European Union, Emergency Trust Fund for Africa, “Improved migration management in countries of origin, transit and destination” (2023).

³⁶ Danish Institute for International Studies, *Does Information Save Migrants’ Lives? Knowledge and Needs of West African Migrants en Route to Europe* (Copenhagen, 2021).

assumption that migrants are unaware of the dangers they might encounter. Campaigns are also ineffective if the risks related to staying and the pressure to migrate arising from family or socioeconomic circumstances are ignored.³⁷

55. This does not mean that migrants do not need information. For example, migrants surveyed in Gao, Mali, and in Agadez, the Niger, said that they would appreciate better information on the situation and risks in the region and on where to find humanitarian assistance and subsistence, such as financial support, water, food and medical aid, as well as logistical information for the journey, such as how to cross borders safely. That information would empower them to make safer travel decisions about whether to retreat or continue. Migrants were critical of campaigns carried out by actors with a vested interest in reducing migration flows, especially where there was a lack of legal channels and alternatives to migration. Such campaigns lose credibility with migrants. Migrants take calculated risks on the basis of the information they have at their disposal, evaluating the risks involved in staying or migrating according to the social and economic resources at their disposal.³⁸

56. Measures taken to counter the smuggling of migrants should not exacerbate the risk posed to migrants; accordingly, it is important to consider the impact of those measures on local communities. Countermeasures should be implemented in consultation with and with the buy-in of local communities. Such processes are necessary to ensure that the resulting measures are seen as part of national and local community interests and not something that is imposed from the outside.³⁹ In the Niger, an analysis by UNODC showed that the implementation of laws against the smuggling of migrants may have unintentionally contributed to the emergence of new smuggling routes connecting the Niger and Libya and hubs in Algeria. According to the same report, the related response may have also resulted in more diversified routes and more clandestine smuggling practices as smugglers tried to evade increased controls by security forces, making the experience more dangerous for migrants.⁴⁰ According to an ongoing UNODC analysis, counter-smuggling measures targeted low-level actors, which enabled more sophisticated networks and larger and more powerful criminal groups to take control.

B. Enhancing international cooperation in preventing and combating migrant smuggling

57. In 2022, UNODC conducted research on human trafficking and migrant smuggling in Ukraine,⁴¹ where a good precedent had been set regarding the prevention of migrant smuggling. At the time, more than 8.13 million people had recently fled Ukraine to reside abroad, and of that number, 7.86 million people had been received in European countries, including 2.85 million in the Russian Federation.⁴²

58. A total of 270,000 refugees from Ukraine had been registered in Canada and the United States of America by 2022. In the United States, the Uniting for Ukraine programme largely facilitated the entry of refugees from Ukraine. Some entered using different types of visas (e.g. tourist or student visas). Many travelled visa-free through Mexico and entered the United States through the land border, while the entry of others was facilitated by the United States Refugee Admissions Program.⁴³

³⁷ Ibid.

³⁸ Ibid.

³⁹ Based on a presentation by the UNODC Regional Office for West and Central Africa at an expert group meeting on revision of the Model Law against the Smuggling of Migrants on 14 March 2024.

⁴⁰ UNODC, "Smuggling of migrants in the Sahel".

⁴¹ UNODC, "Conflict in Ukraine: key evidence on risks of trafficking in persons and smuggling of migrants" (Vienna, 2022).

⁴² Ibid.

⁴³ Ibid.

59. In Canada, the Canada-Ukraine Authorization for Emergency Travel visa programme facilitated regular travel for displaced Ukrainians.⁴⁴

60. In the European Union, to facilitate the movement of refugees across borders, 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, was activated for people fleeing Ukraine on 4 March 2022 and was extended until March 2024. The temporary protection and other comparable national protection schemes for Ukrainians arriving in European Union countries, coupled with visa-free entry to almost all of those countries, considerably reduced the need for those fleeing the war to use migrant smugglers. The majority of border crossings by people displaced by the war from Ukraine to the European Union, through the Republic of Moldova to the European Union, and within the European Union were and still are considered by the European Border and Coast Guard Agency (Frontex) to be regular and orderly.⁴⁵

61. For people fleeing from Ukraine who were covered by temporary protection, there was no requirement for asylum applicants to apply for international protection in the first European Union country of arrival (in line with the Dublin Regulation of the European Union). People with temporary protection status are allowed to travel to other European Union countries for up to 90 days within a 180-day period. Therefore, the smuggling of migrants would also be unlikely in the context of Ukrainians moving within the European Union (“secondary movements”), as they have the freedom to do so regularly. Holders of temporary protection status have a range of rights, making them resilient to trafficking and other forms of abuse. Those rights include access to employment, accommodation, social welfare, health care, education for children and banking services. Valid for a year, the temporary protection residence permit can be extended for up to three years.⁴⁶

62. As a result, the framework has been largely successful in preventing migrant smuggling, also indicating that legal entry and legal status are an important factor in resilience to trafficking in persons. On the basis of this good practice, if States parties extended that kind of protection to citizens from countries in situations of conflict, it would significantly reduce the occurrence of migrant smuggling globally.

63. Regular pathways are a key approach to the prevention of migrant smuggling. The United Nations Network on Migration advocates specific regular pathways, including the following: visas for family reunification; labour migration pathways based on the proactive identification of labour market needs across a wide spectrum of fields; humanitarian admission that gives alternatives to migrants in vulnerable situations; temporary residence and work permits, humanitarian visas and relaxed visa requirements for people affected by climate events; health visas, regularization programmes to reduce situations of vulnerability for irregular migrants; and visas for survivors of trafficking and gender-based violence.⁴⁷

64. Another notable approach to cooperation in addressing the root causes of migrant smuggling is the Mattei Plan, officially announced by the Government of Italy at the end of 2023.⁴⁸ It is aimed at strengthening collaborative initiatives between Italy and African States, with a long-term view to promoting sustainable and lasting economic and social development in Africa and thus addressing the root causes of irregular migration.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ United Nations Network on Migration, “Guidance note: regular pathways for admission and stay for migrants in situations of vulnerability” (2021).

⁴⁸ Daniele Fattibene and Stefano Manservigi, “The Mattei Plan for Africa: a turning point for Italy’s development cooperation policy?”, *Istituto Affari Internazionali Commentary*, No. 24/10 (Rome, 2024).

65. Although the plan is not fully in the public domain, on the basis of what has been published by the Government, the plan seeks to redefine partnership with African States, with a focus on energy partnerships, including in the field of renewable energy, development cooperation, trade and investment, education, higher education and vocational training, support for entrepreneurship among young people and women, and promotion of employment, all geared towards preventing and fighting irregular migration and ensuring the effective management of regular migratory flows.

VI. Points for reflection

66. Migrant smuggling can be prevented or at least mitigated through the provision of channels for regular migration, coupled with measures to address corruption and the high costs that prevent people from obtaining travel and identity documents. Closing borders only pushes migrants into the hands of smugglers. A focus on securing borders alone does not stop migrant smuggling; it must be accompanied by measures to address the development issues that drive migrants out of their countries in the first place. Approaches based on a long-term vision that address the situations that compel people to migrate, such as poverty, conflict and climate issues, while increasing access to regular migration, would help to address migrant smuggling more effectively than the prevailing approach of treating the symptoms. Effective measures to counter the smuggling of migrants require the buy-in of local communities whose livelihoods and rights may be affected by the implementation of such measures.

67. To effectively combat organized criminal groups and disrupt their illicit economies, it is important to adopt comprehensive policy measures that encompass not only law enforcement and repressive measures, but also a broad range of initiatives to build societal resilience. Those activities should include cross-cutting, victim-centred, human rights-compliant and gender-sensitive approaches.⁴⁹

⁴⁹ UNODC, *Organized Crime Strategy Toolkit for Developing High-Impact Strategies* (Vienna, 2021).