



UNODC

United Nations Office on Drugs and Crime

Smuggling of Migrants

Compendium and Thematic Index
of Recommendations,
Resolutions and Decisions

UNITED NATIONS OFFICE ON DRUGS AND CRIME

**Smuggling of Migrants:
Compendium and Thematic Index
of Recommendations, Resolutions
and Decisions**



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* At the seventh session (6 to 10 October 2014), eighth session (17 to 21 October 2016), ninth session (15 to 19 October 2018) and eleventh session (2022), the Conference of the Parties did not adopt any resolution or decision on the smuggling of migrants.

Introduction

At its meetings, the Working Group on the Smuggling of Migrants adopts recommendations on pressing areas of concern, seeking to guide Member States towards effective and up-to-date implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, as well as to guide the United Nations Office on Drugs and Crime (UNODC) in supporting efforts in that regard. The recommendations are regularly submitted to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime for further endorsement.

In order to facilitate future discussions and negotiations, UNODC has prepared a compendium in the six official languages of the United Nations containing all of the recommendations adopted by the Working Group. The compendium is complemented by a thematic index to facilitate navigation.

In addition, the compendium and the thematic index include all of the resolutions and decisions on the smuggling of migrants adopted to date by the Conference of the Parties to the Convention. This information is aimed at providing additional references to facilitate discussions in all relevant forums.

For ease of reference, the recommendations of the Working Group are listed in part A of the compendium, while resolutions and decisions of the Conference of the Parties are listed in part B and in the shaded areas in the thematic index. Preambular paragraphs of resolutions are numbered consecutively and designated by the abbreviation “PP” (e.g. PP 10 for the tenth preambular paragraph).

In the thematic index, some recommendations are categorized under more than one topic in order to reflect the full variety and complexity of all aspects touched upon in the texts.

Compendium of recommendations and relevant resolutions and decisions

Part A of the compendium contains all of the recommendations adopted by the Working Group at its first 10 meetings, while part B contains all of the resolutions and decisions on the smuggling of migrants adopted by the Conference of the Parties to the Convention at its first 11 sessions. Both parts are organized chronologically.

A. Recommendations adopted by the Working Group at its first 10 meetings

I. First meeting, 30 May to 1 June 2012

1. States that have not yet done so should be urged to consider ratifying or acceding to the Smuggling of Migrants Protocol.
2. States parties should continue to review and, as appropriate, strengthen their relevant legislation, including criminal legislation, and establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence.
3. Although the smuggling of migrants and trafficking in persons may, in some cases, share some common features, States parties should consider them to be distinct crimes requiring separate legal, operational and policy responses.
4. States parties should intensify their efforts at the national and international levels with regard to cooperation in order to provide specialized training to law enforcement and judicial officials, such as training for those responsible for gathering evidence at the point of interception of smuggled migrants.
5. States parties should call upon appropriate partners, including the United Nations Office on Drugs and Crime (UNODC), to continue providing technical assistance to strengthen the capacity of States parties to criminalize, investigate and prosecute the smuggling of migrants, for example by assisting States parties in incorporating the provisions of the Smuggling of Migrants Protocol into their national legislation.
6. States parties should collect and share relevant information, including through the use of existing international and regional databases such as those of the International Criminal Police Organization (INTERPOL), in order to enhance the effectiveness of measures aimed at criminalizing, investigating and prosecuting the smuggling of migrants. Such information could include data on organized criminal groups involved in the smuggling of migrants.
7. States may wish to request UNODC to collect information and prepare a comprehensive global report on the smuggling of migrants, in close collaboration with States parties, to complement existing relevant reporting by international organizations such as the International Organization for Migration. The global report should include all types of information as listed in article 10 of the Smuggling of Migrants Protocol, including a focus on transregional routes and emerging routes and means of transportation. The report should also include the challenges encountered by States parties in combating the smuggling of migrants, good practices and lessons learned, legislative experiences and the

use of administrative measures to prevent and combat the smuggling of migrants. The Working Group requests UNODC to do an assessment of the resource implications of the preparation of such a report.

8. States parties may wish to request UNODC to provide technical assistance with regard to investigating links that may exist between the smuggling of migrants and corruption, money-laundering and other forms of transnational organized crime.

9. States parties may wish to consider making smuggled migrants eligible for local witness protection programmes in order to encourage their cooperation and testimony and to facilitate investigations, prosecutions and convictions of criminals.

10. States parties may wish to consider including in their policies and practices mechanisms that would allow smuggled migrants to assist in criminal investigations and the prosecution of smugglers, for instance by granting them temporary residency permits in transit or destination countries, or allowing them to testify from their countries of origin, including, where appropriate, through the use of videoconferencing, or allowing the witness to legally return to a transit or destination country in order to testify.

11. States parties may wish to consider raising awareness of the penalties for the offence of the smuggling of migrants, especially those committed under aggravating circumstances, so that those penalties may better serve as deterrents.

12. In criminalizing the smuggling of migrants, States parties may wish to consider establishing aggravating circumstances to the offences mentioned in article 6, paragraph 1, of the Smuggling of Migrants Protocol, in addition to the aggravating circumstances listed in article 6, paragraph 3, of the Protocol, in order to facilitate effective implementation of the provisions of the Protocol.

13. In investigating and prosecuting the smuggling of migrants, States parties should, where appropriate, ensure that financial investigations take place concurrently, with a view to tracing, freezing and confiscating proceeds acquired through such crime.

14. In efforts aimed at the detection and investigation of the smuggling of migrants, including efforts involving the use of special investigative techniques, States parties should take into account the safety and rights of the persons involved.

15. States parties could consider strengthening the security of identity and travel documents, including by following the plan of the International Civil Aviation Organization for the replacement of all manually read documents with biometric documents, and by strengthening document examination capacity. States parties may wish to consider establishing as a criminal offence the misuse of identity to obtain identity documents for the purpose of smuggling migrants.

16. States parties may consider establishing and/or improving coordination mechanisms among relevant agencies at the national level in order to reconcile priorities and strengthen concerted action against the smuggling of migrants.

17. States parties could consider ways to enhance cooperation at all levels to prevent and combat the crimes covered by the Smuggling of Migrants Protocol that are

committed by means of using new technologies, especially the Internet; such cooperation could include more effective exchange of information and good practices relating to issues of criminalization, investigation and prosecution.

18. States parties should respect the fundamental human rights of smuggled migrants, irrespective of their migration status, nationality, gender, ethnicity, age or religion.

19. States parties may wish to request States to exchange their views and to share information and good practices on the measures taken to protect the human rights of smuggled migrants.

20. States parties should adopt appropriate measures, including legislation, if necessary, to protect smuggled migrants from violence, discrimination, torture or other cruel, inhuman and degrading treatment or punishment, as well as violation of their rights, and should provide smuggled migrants who have been victims of other crimes with effective access to justice and to legal assistance when it is envisaged in national legislation.

21. States parties may wish to consider setting up hotlines to allow smuggled migrants to identify violations of their rights and to refer them to the appropriate services to provide for their protection.

22. States parties may wish to consider involving their consular and diplomatic representations abroad in enhancing the protection of smuggled migrants and the provision of assistance to such migrants. In case of detention, States parties should give special attention to their obligations under the Vienna Convention on Consular Relations, as referred to in article 16, paragraph 5, of the Smuggling of Migrants Protocol.

23. States parties are encouraged to enhance their cooperation to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea.

24. Taking into account chapter II of the Protocol, States parties should give special attention to dangers to the life and safety of migrants smuggled by sea and should prioritize the preservation of life and safety upon detection of a vessel used to smuggle migrants.

25. States parties should address the special needs of vulnerable categories of smuggled migrants, including pregnant women, women with children and unaccompanied minors.

26. States parties should take into account the international protection framework for refugees and asylum seekers.

27. States parties may wish to consider involving civil society in the response to the smuggling of migrants, in particular by contributing protection and assistance measures and developing communication channels between authorities involved in the detection, investigation and prosecution of the smuggling of migrants and service providers who could assist in the provision of assistance to smuggled migrants.

28. States parties should inform migrants of their rights under domestic law, including the right to appeal, and, where applicable, their options for voluntary return.

29. States parties should take a comprehensive approach to preventing the smuggling of migrants that includes measures relating to effective border control, strengthened document integrity and control, capacity-building, awareness-raising and measures relating to the root causes of such smuggling.

30. In reinforcing document integrity, States parties should bear in mind that criminal networks involved in smuggling migrants evade such measures by submitting fraudulent passport and visa applications; measures should therefore be put in place to scrutinize such applications and to detect when documents have not been issued by the competent authorities.

31. States parties should, as appropriate, strengthen the security of their identity and travel documents and their capacity to detect fraudulent documents. They may wish to consider requesting technical assistance from other States parties or regional or international organizations to that effect.

32. States parties should develop public information campaigns, which could involve the media and Internet-based social networks, in order to raise awareness about the adverse effects of the smuggling of migrants and to warn persons vulnerable to being smuggled, especially young people and their families, about the dangers involved.

33. States parties may wish to consider raising awareness among transport companies, especially airline companies, of the risks associated with document fraud. They may also wish to provide penalties for companies that do not comply with their obligation to ensure the authenticity and validity of the documents of passengers travelling across international borders. States parties may also wish to consider establishing mechanisms for obtaining timely passenger information from such companies.

34. States parties should consider enhanced scrutiny when issuing visas, as well as enforcing the terms of their visas to help prevent their countries from being used as a transit point by persons involved in operations for smuggling migrants.

35. States parties should consider the importance of bilateral and multilateral cooperation, including cooperation at the regional level and with neighbouring countries, in order to strengthen border control, conduct joint investigations, exchange operational information and intelligence informally and develop training programmes to raise the awareness of relevant actors.

36. States parties are encouraged to use existing operational databases, such as INTERPOL databases, to exchange information, including on offenders and on persons suspected of committing any of the crimes set forth in article 6 of the Protocol and on lost or stolen documents.

37. States are encouraged to consider establishing data-collection and analysis centres that could assist in developing evidence-based knowledge and measures to prevent and suppress the smuggling of migrants.

38. States parties may wish to reinforce their prevention efforts through the deployment of liaison officers and participation in joint investigation teams. At the national level, the creation of integrated border enforcement teams and the establishment of coordination

mechanisms involving all agencies engaged in preventing and combating the smuggling of migrants could contribute to preventing such crime.

39. To complement efforts to prevent and combat the smuggling of migrants, international organizations may be requested to make use of existing inter-agency forums addressing those issues, such as the Global Migration Group.

40. States should use, to the fullest extent possible, formal and informal forms of cooperation and coordination to combat the smuggling of migrants at the international, regional and national levels.

41. States parties should utilize the Organized Crime Convention as a legal basis for international cooperation, in particular in the form of mutual legal assistance and extradition, to combat the smuggling of migrants.

42. States are encouraged to respond within a reasonable time period to requests for international cooperation in cases relating to the smuggling of migrants.

43. States should carry out joint capacity-building activities and exchange of expertise, in particular in the areas of processing intelligence and other information and handling sensitive information, in order to prevent, detect and respond to the smuggling of migrants.

44. Recognizing that mutual trust is an instrumental precondition to effective international cooperation, States may wish to engage in confidence-building measures such as establishing and strengthening operational networks and vetting procedures at the national, regional and international levels.

45. States may wish to establish standard operating procedures and channels for the exchange of intelligence and other information, including regarding possible threats, on a regular basis and in a timely and secure manner.

46. States may wish to encourage joint investigations, as an effective means of sharing intelligence and other information.

47. In accordance with article 8 of the Smuggling of Migrants Protocol, States parties should notify the Secretary-General of the designation of an authority to receive and respond to requests for assistance to combat the smuggling of migrants by sea. States may wish to inform UNODC of such designations and include the information in the directory of competent national authorities.

48. States may wish to establish open and direct lines of communication, including contact details of relevant agencies and individuals, in order to facilitate informal and formal cooperation to combat the smuggling of migrants.

49. States may wish to consider establishing among countries of origin, transit and destination programmes for returning smuggled migrants. States may request the assistance of international intergovernmental organizations and civil society, where appropriate.

50. States should consider repatriating smuggled migrants directly to their place of origin, giving due regard to their rights.

51. States parties may wish to call on UNODC to facilitate and deliver technical assistance and to continue to develop and disseminate technical assistance tools to be used in countering the smuggling of migrants.
52. The Working Group should continue advising and assisting the Conference in carrying out its mandate with regard to the Smuggling of Migrants Protocol, with a view to improving international cooperation in that area.
53. The Working Group may wish to request the Secretariat to organize, for the next meeting of the Working Group, technical panel discussions on good practices involving the use of special investigative techniques in cases of the smuggling of migrants and on the establishment of multi-agency centres to enable information on the smuggling of migrants to be shared and responses to such smuggling to be coordinated between agencies and between similar centres in other States parties.
54. States parties may wish to consider how to prioritize in the most efficient way the future work of the Working Group and to consider including on the agenda for each of its meetings an item on follow-up to the recommendations adopted at its previous meeting.
55. The Conference should discuss the future programme of work of the Working Group, which may include topics on intelligence-sharing, international cooperation, protection and assistance and other relevant items.

II. Second meeting, 11 to 13 November 2013

1. States parties should take the appropriate measures, such as developing guidelines to ensure that the human rights of smuggled migrants are respected and that the safety and security of smuggled migrants are granted utmost priority; that the investigation of smuggling of migrants is sensitive to the special needs of vulnerable migrants, such as women and children; and that return is not hindered or delayed unnecessarily.
2. States parties, especially those with common borders, should promote effective and efficient sharing of information, which may include investigative findings, in a manner consistent with their respective domestic, legal and administrative systems.
3. The Working Group on the Smuggling of Migrants requested the Secretariat to continue providing technical assistance to Member States, upon request, to support their efforts to accede to the Smuggling of Migrants Protocol or to implement the Protocol, including by strengthening legal frameworks and the capacity of criminal justice practitioners to effectively address the smuggling of migrants.
4. Recalling the tenth anniversary of the entry into force of the Organized Crime Convention and the Protocols thereto and taking into consideration articles 32 and 37 of the Convention, States parties and the United Nations Office on Drugs and Crime (UNODC) should continue to promote the full implementation of the Convention and

the Smuggling of Migrants Protocol, with a view to identifying existing gaps, challenges and priorities.

5. States parties to the Convention that are countries of origin, transit and destination of smuggled migrants are encouraged to enhance cooperation in a comprehensive manner to develop effective measures to prevent the smuggling of migrants, while ensuring the protection of the rights of smuggled migrants.

6. States parties, in preventing and combating the smuggling of migrants, are invited to take into account, where appropriate and in accordance with national legislation, the experience of relevant stakeholders, including international and regional organizations, the private sector, academia and civil society.

7. The Working Group on the Smuggling of Migrants recommended that the Conference, at its seventh session, should consider initiating discussions regarding the possibility that the Working Group develop and follow a workplan for its future meetings.

8. The Working Group on the Smuggling of Migrants recommended to the Conference that the following topics, inter alia, be considered at future meetings of the Working Group:

(a) Smuggling of vulnerable migrants, such as children, including unaccompanied children;

(b) Practical measures to prevent the smuggling of migrants, such as visa on arrival, public information campaigns and training sessions on fraudulent documents;

(c) Organized crime aspects of the smuggling of migrants, including financial investigations and responses targeting the proceeds of crime;

(d) Smuggling of migrants by sea;

(e) Criminal justice responses, including investigations and prosecutions of perpetrators of migrant smuggling operations.

9. States parties are encouraged to implement article 18 of the Smuggling of Migrants Protocol, including by negotiating agreements for the orderly return of smuggled migrants.

10. States parties are invited to address the root causes of the smuggling of migrants through comprehensive crime prevention, social, economic, health, education and justice policies.

11. States parties are invited to cooperate effectively in addressing the root causes of smuggling of migrants in a comprehensive manner and with a balanced perspective on both the supply and demand sides, as a step towards a better implementation of the Smuggling of Migrants Protocol.

12. States parties are encouraged to adopt a holistic approach in undertaking investigations of smuggling of migrants cases, supported by bilateral and multilateral cooperation, in accordance with national legislation.

13. Pursuant to article 20 of the Organized Crime Convention, and in accordance with national legislation, States parties should make use of a range of special investigative techniques in smuggling of migrants cases, commensurate with the needs of the investigation, as an effective means of gathering intelligence and evidence.
14. In applying special investigative techniques, States parties should consider appropriate laws regarding evidence and its admissibility in prosecutions.
15. States parties may consider, in accordance with national law, making use of controlled delivery methods to investigate smuggling of migrants cases, while ensuring the full respect of the rights of migrants.
16. States parties should, at all times, give priority to the life, safety and well-being of, and respect for the human rights of, the migrants who are the object of the smuggling when conducting investigations related to migrant smuggling cases, such as by ensuring an appropriate balance in investigating smugglers and migrants. To that effect, risks should be constantly assessed prior to and during investigations.
17. States parties are encouraged to take the necessary measures, where appropriate and in accordance with domestic legislation, in order to establish multi-agency centres to effectively implement the Smuggling of Migrants Protocol.
18. States parties may consider appointing a senior official to guide the work of a multi-agency centre.
19. States parties are encouraged to identify and address common challenges in establishing such centres by utilizing existing good practices and experience in other jurisdictions and by requesting technical assistance, where necessary.
20. Recognizing that mutual trust and transparency is an instrumental precondition for effective coordination, States parties may wish to develop a national strategy for multi-agency centres that brings together the mandates of each agency and ensures, for example, that the analysis of information and intelligence is centrally processed.
21. States parties should involve, in accordance with national legislation, a broad spectrum of agencies in their multi-agency centres for policy development, planning and the sharing of information on smuggling of migrants. States parties may also wish to consider encouraging their relevant competent authorities to coordinate their operations through a multi-agency centre, to hold regular meetings and, where appropriate, to share intelligence and information and undertake investigations of smuggling of migrants offences, where relevant.
22. States parties should promote cooperation with similar multi-agency centres established by other States parties.
23. The Working Group on the Smuggling of Migrants requested the Secretariat to prepare more detailed and practical guidance regarding the establishment of multi-agency centres.

24. States parties are encouraged to ensure that measures taken to promote informal cross-border cooperation and information-sharing complement and strengthen measures of formal cooperation, keeping in mind that evidence gathered must meet the standard of proof in a court of law.
25. In recognition of the usefulness of informal cooperation and information-sharing in early operational stages to assist in the gathering of intelligence and evidence in smuggling of migrants cases, States parties may wish to consider providing their criminal justice authorities with the appropriate instruments in order to facilitate direct informal communication and the exchange of information with relevant foreign competent authorities, in accordance with national law.
26. States parties are encouraged to expand informal cooperation and information-sharing measures not only to address the investigation and prosecution of smuggling of migrants cases but also to protect the rights of smuggled migrants, in accordance with domestic law.
27. States parties are encouraged to assist each other in a bilateral or multilateral manner through the provision of technical assistance and the development of measures to exchange information and ensure that return of smuggled migrants is not hindered or delayed unnecessarily, on the basis of the principles of national sovereignty, solidarity and the fair sharing of responsibility.
28. States parties are encouraged to take measures, as appropriate, to support the cooperation between liaison officers in addressing the smuggling of migrants.
29. Recognizing the difficulty in monitoring all border crossings, States parties are encouraged to support cross-border cooperation to address the smuggling of migrants.
30. States parties should, where appropriate and consistent with their obligations under the Vienna Convention on Consular Relations and other relevant treaties, notify without delay the consular authorities of the State of the nationality of the smuggled migrant, with the approval of the individual concerned, and, where relevant, the social welfare authorities and provide access to assistance, particularly to vulnerable migrants, especially women and children, and facilitate return.
31. States parties should consider using the UNODC *Digest of Organized Crime Cases* and support and contribute to the knowledge management portal known as Sharing Electronic Resources and Laws against Organized Crime (SHERLOC), recently launched by UNODC, to promote the exchange of information.
32. The Working Group requested UNODC to continue its efforts to assist States parties to share their experiences and good practices at the national, regional and international levels.
33. States parties are encouraged to consider adopting or adapting the model of the voluntary reporting system developed by UNODC at the request of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime as a means of gathering and sharing information on the smuggling of migrants and related conduct in a harmonized and continuous manner.

III. Third meeting, 18 to 20 November 2015

1. States should consider establishing jurisdiction, consistent with applicable international law, over incidents of migrant smuggling on the high seas involving unflagged vessels, including incidents in which the transportation of the migrants to shore by rescuers is the result of the deliberate conduct of the smugglers aimed at provoking the rescue of the migrants, and States may wish to consider the full implementation of article 15 of the Convention.
2. States must treat the smuggling of migrants as a criminal offence and not only as an immigration matter, and include it among predicate offences for money-laundering.
3. States should consider the adoption of multilateral, regional and bilateral agreements and arrangements to implement article 8 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime to set reasonable time frames for responding to requests under its provisions.
4. Consistent with applicable international law, States should not hold seafarers who have assisted, rescued or disembarked smuggled migrants in distress at sea criminally liable.
5. States should, where appropriate, ensure that the immediate and essential needs of persons having been the object of smuggling are catered for, including their medical needs and, if possible, their needs for psychological care, should facilitate timely communication with the families and consular offices of such persons, and should provide guarantees for their safety, in cooperation with relevant stakeholders, including civil society actors.
6. States are encouraged to adopt procedures and guidelines, in accordance with their own domestic legal frameworks, on the timely and effective debriefing and interviewing of smuggled migrants for investigative purposes, including of children and potential victims of trafficking in persons, that take into account their human rights and vulnerability.
7. States should encourage smuggled migrants to cooperate with investigations, including by providing witness testimony, and, consistent with article 24 of the Convention, should consider measures to effectively protect those who do so and, as appropriate, their relatives and loved ones, from potential retaliation, including, where appropriate, by considering granting them temporary residence permits or relocation assistance.
8. States should enhance the use of the Organized Crime Convention and the Smuggling of Migrants Protocol as the basis for international cooperation aimed at facilitating extradition and the widest possible measure of mutual legal assistance in smuggling of migrants cases, in accordance with articles 16 and 18 of the Convention.
9. In implementing the Smuggling of Migrants Protocol, States parties should take full advantage of the tools provided for in the Convention, including, but not limited

to, confiscation and seizure, mutual legal assistance, extradition, witness protection, and the use of special investigative techniques.

10. States are encouraged, as appropriate, to share information on best practices and procedures followed, and checklists used, when responding to incidents involving the smuggling of migrants by sea, as well as information on their detection, to allow intelligence-based investigations and to use indicators to detect the smuggling of migrants on land.

11. States should consider establishing a national mechanism or body to coordinate a whole-of-government, multi-stakeholder response by, inter alia, law enforcement, criminal justice, border protection, immigration, and foreign ministries, in cooperation with relevant civil society actors, in order to identify, disrupt and prevent migrant smuggling ventures in accordance with the Smuggling of Migrants Protocol.

12. States should tackle the root causes of the smuggling of migrants, based on their shared commitments, in order to prevent and combat that crime, and to address the hardships that migrants who have been the object of smuggling face, including by strengthening cooperation between countries of origin, transit and destination, and should strengthen the role of regional mechanisms and relevant international organizations in that regard.

13. The Secretariat should, within its mandate, continue to provide technical assistance to States requesting to become parties to the Smuggling of Migrants Protocol, to draft manuals and guidelines that may contribute to the full implementation of the Protocol, and to strengthen States' crime prevention and criminal justice responses to the smuggling of migrants and related crimes.

14. In accordance with applicable international obligations, including article 19 of the Smuggling of Migrants Protocol, States should ensure full respect for the rights of smuggled migrants, should fully adhere to the principle of non-discrimination when offering assistance and protection, and should duly take into consideration the principle of non-refoulement, including during interception at sea.

15. States should endeavour to fully implement the 2030 Agenda for Sustainable Development, including in order to help to prevent the smuggling of migrants.

16. States should exert further efforts in the field of development cooperation, in a manner that focuses on reducing poverty and fostering socioeconomic development, by supporting inclusive economic growth through investment opportunities and the creation of decent jobs, and by improving the delivery of basic services such as education and health, as a way to prevent the smuggling of migrants.

17. States should establish or enhance appropriate channels for regular and orderly migration, and issue visas in the countries from which migrants originate and through which they transit, as a way to reduce the danger posed by smuggling organizations.

18. States are encouraged to develop and implement comprehensive national policies on migration to prevent the smuggling of migrants, including, where relevant, considering the creation of multisectoral public institutions, in cooperation with civil society and migrants, and build capacity in order to fully implement those policies.

19. States should recognize that children and adolescents who are the object of smuggling, especially those who are unaccompanied, are particularly vulnerable. States should take measures to protect them and safeguard their rights, with due regard for the principle of the best interest of the child.
20. States should raise awareness of the risks involved in the criminal activities carried out by migrant smugglers, informing migrants about their rights and the applicable procedures, and develop mechanisms for the identification and protection of unaccompanied migrant children, in cooperation with international organizations and relevant civil society actors.
21. States should provide protection to unaccompanied children under the supervision of the relevant administrative authorities or juvenile courts, including through the appointment of guardians, who may be volunteers.
22. States of origin, transit and destination should cooperate, to the extent possible, in order to trace and identify the families of unaccompanied migrant children.
23. States should endeavour to provide specialized care to unaccompanied children and adolescents who are in the process of being repatriated such as by transferring them to an appropriate and safe place; informing them of their rights and of the prime objective of safeguarding their physical and psychological integrity; having them interviewed by qualified authorities, taking into consideration their gender and age; and providing, if needed, basic emergency medical and psychological services.
24. States should consider including among their national migration practitioners personnel specifically trained in the rights of children and women at risk of becoming the object of smuggling.
25. States of origin should consider, as a preventive measure, the implementation of exit authorization for separated or unaccompanied children in accordance with their domestic laws and regulations.
26. States are encouraged to combat travel document and passport fraud, which facilitates the smuggling of migrants, by utilizing counterfeit link analysis to compare and classify seized counterfeit documents in order to identify the source of fraudulent documents.
27. To detect fraudulent travel documents and combat travel document fraud, States are encouraged to utilize innovative tools and automated systems, including databases such as the stolen and lost travel document database of the International Criminal Police Organization (INTERPOL), the Digital INTERPOL Alert Library-Document system, known as Dial-Doc, and the work of the International Civil Aviation Organization relating to travel document security, allow countries to share global alerts on newly detected forms of document counterfeiting.
28. States should seek to establish, where appropriate, bilateral cooperation arrangements with known source, transit and destination countries, and to establish relationships, including through liaison officers, with relevant law enforcement and criminal justice practitioners, commercial carriers, and private industry, in order to effectively counter the smuggling of migrants.

29. States are encouraged to consider cooperating with relevant civil society organizations and to utilize communication campaigns to increase public awareness of the fact that the smuggling of migrants is a criminal activity frequently perpetrated by organized criminal groups for profit, and that it poses serious risks to the safety, security and health of migrants.
30. States are encouraged to be aware of how their national laws and policies may create incentives for irregular migration, particularly for unaccompanied migrant children, or may be used as a tool by smugglers to attract potential migrants.
31. States should recognize the consequences of the conduct of transnational criminal organizations involved in the smuggling of migrants, including in cases where public officials are corrupted.
32. States should consider that the activities of transnational criminal organizations involved in the smuggling of migrants could, in some cases, directly or indirectly provide financial support to other types of organized criminal groups and terrorist organizations.
33. States should deepen their understanding of the modus operandi of the transnational organized criminal groups involved in the smuggling of migrants and the consequences of their activities, in order to strengthen the crime prevention and criminal justice responses at the national, regional and international levels.
34. States should strengthen their capacity to launch and conduct proactive financial investigations to seize and recover criminal assets in smuggling of migrants cases. Their efforts should include ensuring better and more systematic links between financial intelligence units, law enforcement agencies and the judiciary, in order to counter the financing of organized criminal groups. To this aim, States should also step up their cooperation with financial institutions such as banks, credit transfer service providers and credit cards issuers.
35. The Conference should encourage effective engagement of States in all appropriate bilateral, regional and global forums, while avoiding unnecessary duplication of efforts, in order to foster the gathering and exchange of knowledge and best practices on financial investigations and responses targeting the criminal proceeds of the smuggling of migrants.
36. States should promote international legal and police cooperation, especially in the investigation of high-profile criminal networks involved in the smuggling of migrants and in mistreating and committing violence against smuggled migrants.
37. States should consider requesting the Secretariat to collect information and prepare a comprehensive global report on the smuggling of migrants, in close coordination and consultation with States.
38. The Conference should consider all options to ensure that reliable and consistent information is provided about the effective implementation of the Organized Crime Convention and of the Smuggling of Migrants Protocol, with a view to identifying gaps and needs for technical assistance and highlighting successful experiences and good practices.

39. States are encouraged to conduct studies and field research to determine the features and characteristics of migrant smugglers. The findings of such studies may be helpful in drafting practical recommendations that address the smuggling of migrants, especially children.

40. States should promote the use of the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) to facilitate the exchange of information on the implementation of the Smuggling of Migrants Protocol.

41. States should continue supporting the United Nations Office on Drugs and Crime in accomplishing its mandate with regard to the implementation of the Smuggling of Migrants Protocol.

IV. Fourth meeting, 11 to 13 September 2017

1. States parties are encouraged to strengthen implementation of the United Nations Convention against Transnational Organized Crime and the Smuggling of Migrants Protocol, especially with reference to corruption, money-laundering and confiscation of the proceeds of crime.

2. States parties are encouraged to enhance efforts to confiscate the proceeds of crime related to the smuggling of migrants, and are encouraged to address the linkages between the profits arising from migrant smuggling and other forms of crime.

3. States parties are encouraged to set up mechanisms whereby information on cases involving the smuggling of migrants can be quickly and effectively shared between authorities on a national, regional and international basis.

4. States parties should ensure that data from a broad range of sources, including data from phones, computers, videos, pictures, and email, and data regarding financial flows, are gathered, analysed and shared in investigations and prosecutions of smugglers.

5. States parties should ensure that measures are in place to best facilitate the gathering of evidence in migrant smuggling cases, including through special protection for witnesses throughout the investigative and judicial process.

6. States parties should seek to train, including through the delivery of technical assistance, practitioners in the use of formal and informal legal cooperation, including the use of the United Nations Convention against Transnational Organized Crime when required as a legal basis for extradition and mutual legal assistance, in combating the smuggling of migrants.

7. States parties are encouraged to establish, in accordance with their national law, joint investigation teams through bilateral or multilateral agreements and to make use of special investigative techniques in combating the smuggling of migrants.

8. States parties should make maximum use of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime, such as article 13 on international cooperation for purposes of confiscation, which should be viewed as augmenting article 12 on confiscation and seizure, to facilitate international cooperation to confiscate assets wherever they may be found.
9. States parties are encouraged to make full use of mutual legal assistance tools, noting that informal bilateral consultations have proved to be effective in facilitating the provision of assistance, in particular by facilitating prompt responses to requests for evidence and other assistance.
10. States parties should ensure that they comply with the requirements under the Smuggling of Migrants Protocol to inform the Secretary-General of the national authorities designated to assist in the identification of vessels involved in migrant smuggling at sea, and consider, where appropriate, entering into bilateral agreements to facilitate rapid real-time coordination and cooperation during maritime operations.
11. States parties, in line with their national legislation and the Protocol, should ensure that commercial carriers operating in air, on land and at sea are aware of their responsibilities as carriers and of the risks and consequences of migrant smuggling.
12. Bearing in mind recommendation 11, States parties should also consider adopting awareness-raising measures applicable to other commercial entities not engaged in passenger transportation that might be misused in migrant smuggling.
13. Keeping in mind that the “financial and material benefit” is the purpose of smuggling of migrants within the international definition as set in the Smuggling of Migrants Protocol and, often, the reason why migrants’ lives are put at risk, States parties should, as appropriate, prioritize investigations and prosecutions of migrant smuggling cases where there is a clear financial benefit.
14. States parties should work to increase awareness of the value of following financial flows regarding migrant smuggling cases.
15. States parties should ensure that they are complying with their obligations under article 18, including seeking to ensure they facilitate and accept, without undue or unreasonable delay, the return of smuggled migrants who are its nationals or who have the legal rights of permanent residence in its territory, at the time of return.

V. Fifth meeting, 4 and 5 July 2018

1. States parties should:

(a) Facilitate, where possible, capacity-building assistance directed at training competent law enforcement and criminal justice authorities in combating smuggling of migrants;

(b) Identify focal points at the national level, preferably within specialized competent services, for addressing the smuggling of migrants, and facilitate regular exchanges of best practice between those focal points;

(c) Take measures to build trust with smuggled migrants, with the aim of facilitating cooperation with law enforcement officials;

(d) Take measures, consistent with their obligations under the Protocol, to ensure a comprehensive criminal justice response regarding the smuggling of migrants addressing appropriate measures to prosecute the smugglers, together with measures to protect smuggled migrants, especially children and adolescents who have been the object of the conduct set forth in article 6 of the Protocol.

2. States parties should consider:

(a) Promoting effective international cooperation, including mutual legal assistance, and the exchange of information, between countries of origin, transit and destination, on smuggling of migrants cases, including through and in accordance with the Organized Crime Convention;

(b) Responding to the transnational criminal networks involved in migrant smuggling cases through cooperation and information-sharing between law enforcement authorities in source, transit, and destination countries, and provide training to enable these types of transnational investigations, consistent with the goals of the Organized Crime Convention and the Smuggling of Migrants Protocol;

(c) Ensuring mutual legal assistance at the regional level between judicial authorities, as appropriate, including through existing networks and mechanisms;

(d) Where appropriate and in accordance with domestic legislation, seconding representatives of competent authorities, including liaison magistrates and other experts, between countries along the same smuggling route, with the aim of facilitating contact and sharing information on criminal networks involved in the smuggling of migrants, and following up on requests for mutual legal assistance;

(e) Promoting effective communication with consular officers, as appropriate and in accordance with the Protocol and the Vienna Convention on Consular Relations, to facilitate assistance to smuggled migrants;

(f) Establishing regional and bilateral cooperation agreements, as appropriate, to facilitate assistance to smuggled migrants of countries that do not have diplomatic representation in the territory where the person object of this crime is located;

(g) Providing the Conference of the Parties with information related to emerging forms, challenges and international cooperation tools in smuggling of migrants cases, including data on the implementation of the Smuggling of Migrants Protocol or the Organized Crime Convention to combat the smuggling of migrants;

(h) Strengthening where necessary capacity-building and training efforts, including of immigration and border management officials, as well as information-sharing between border management authorities in origin, transit and destination countries, as a key component of any effective strategy to tackle the crime of the smuggling of migrants;

(i) Providing technical assistance to countries along migrant smuggling routes in accordance with article 14, paragraph 3, of the Protocol;

(j) Providing bilateral, regional and international training opportunities to enhance the capacities of national competent authorities to prevent and counter migrant smuggling, including through the use of mock investigations and trials;

(k) Reviewing domestic procedures and practices related to international cooperation to enhance mutual legal assistance in investigations, cross-border collaboration, prosecutions and judicial proceedings where appropriate, related to the smuggling of migrants, and facilitate consultation in the context of extradition requests in accordance with applicable international and domestic law.

3. States parties should address the underlying causes of the smuggling of migrants in a comprehensive, coordinated and direct manner at the national, bilateral, regional and international levels, taking into account the socioeconomic realities of migration and paying special attention to economically and socially depressed areas.

4. States parties should consider:

(a) Protecting and ensuring the rights and dignity of smuggled migrants while combating smuggling of migrants, giving particular attention to women and children;

(b) Establishing or enhancing appropriate channels and laws for regular and orderly migration, as a way to reduce the danger posed by smuggling organizations;

(c) Ensuring the full implementation of article 5 and article 6, paragraph 4, of the Protocol;

(d) Providing support to enable the United Nations Office on Drugs and Crime (UNODC) to increase its efforts to counter smuggling of migrants, in particular technical assistance to build related competent authorities' capacities and knowledge;

(e) Contributing to the extent possible to the UNODC Case Law Database on the Smuggling of Migrants.

5. The Working Group recommended that the Conference of the Parties consider adopting the questionnaire on the smuggling of migrants as approved by the Working Group.

VI. Sixth meeting, 11 to 13 September 2019

1. States parties should consider developing model legislative and operational guidelines based on existing relevant international and regional agreements and arrangements to facilitate cooperation.

2. States parties should convene forums for relevant experts and government officials to share best practices in combating the smuggling of migrants.

3. States parties should consider establishing regional networks of police officers, prosecutors and other law enforcement personnel specialized in the smuggling of migrants in order to share relevant information about such smuggling on a timely basis, in accordance with domestic law, including information on the communication tools used by smugglers.

4. States parties should consider, in accordance with domestic law and as necessary, ensuring the availability of interpretation for interacting with smuggled migrants so as to support investigations and judicial proceedings in cases involving the smuggling of migrants and to protect the rights of smuggled migrants.
5. States parties should take into consideration the placement of liaison officers and magistrates, as well as other competent authorities, in accordance with domestic law, to accelerate useful information-sharing between countries along smuggling routes. Such placement should be framed under bilateral or multilateral agreements or arrangements between the States concerned.
6. States parties should ensure that up-to-date information on their competent authorities remains accessible to other States, including through the online directory of competent national authorities on the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal.
7. States parties should develop directories to enable police, immigration and other law enforcement officials and prosecutors to communicate on a timely basis with their counterparts in other countries.
8. States parties are encouraged to include experts and operational personnel among their representatives to the Working Group on the Smuggling of Migrants.
9. States parties are encouraged to collect relevant data and examine the possibility of providing them to the United Nations Office on Drugs and Crime (UNODC), on a voluntary basis, to support the continuation of its global research and analysis efforts on the smuggling of migrants. Such research and analysis should be carried out in close cooperation with States parties and on the basis of the statistical information provided by them.
10. States parties should take measures to ensure that public officials who have contact with migrants in irregular situations are systematically sensitized to the associated risks to which smuggled migrants are exposed.
11. States parties are encouraged, consistent with the provisions of the United Nations Convention against Transnational Organized Crime and their domestic law, to explore and implement measures to identify, review and respond to requests for international cooperation, in particular mutual legal assistance requests involving the smuggling of migrants, on a timely basis.
12. States parties are encouraged to strengthen their capacity to identify fraudulent documents, including, as necessary, by preparing and disseminating guidelines for relevant authorities, as well as by providing practitioners with appropriate equipment and training.
13. States parties should, without prejudice to international commitments on the free movement of people, cooperate to establish appropriate procedures in airports to prevent and combat the smuggling of migrants by air.

14. States parties should consider using an appropriate multidisciplinary approach, which comprises different kinds of interventions for police, prosecutors, border guards, non-governmental organizations and the private sector, to prevent and combat the smuggling of migrants.
15. States parties should consider means of sharing information, in line with domestic law, with a view to reducing opportunities for the smuggling of migrants to hosting countries on the occasion of international sporting or other major events.
16. States parties should raise awareness of the risks involved in the criminal activities carried out by smugglers of migrants, including by disseminating information and analysis on emerging trends and modalities in the smuggling of migrants to relevant government agencies, the general public and civil society, as appropriate, and in line with domestic law.
17. States parties are encouraged to make use of relevant information that is publicly available on websites and other online platforms, which may facilitate the smuggling of migrants, in order to understand criminal trends and reinforce the methods in place to counter such crime.
18. States parties are encouraged to consider, consistent with international and domestic law, collecting and sharing with each other, upon request, the biometric information of travellers in order to improve the identification of smuggling routes and the detection of fraudulent documents and organized criminal groups that facilitate the smuggling of migrants through document fraud.
19. States parties are encouraged, consistent with international and domestic law, to consider sharing information through competent national authorities about the interdiction of shipments of so-called “feeder documents” that contain identities used repeatedly by organized criminal groups to facilitate travel by air, in order to enhance the ability of relevant authorities to identify and detect the smuggling of migrants through the use of fraudulent documents.
20. States parties are encouraged to expand their cooperation with commercial air carriers to detect and prevent travel by individuals with fraudulent documents, in order to identify travel patterns and disrupt the routes utilized by organized criminal groups involved in the smuggling of migrants.
21. States parties should seek to strengthen their capabilities by taking advantage of, or benefiting from, technical assistance provided upon their request by UNODC and relevant partners to promote their national abilities to combat the smuggling of migrants by air, including through the Airport Communication Project.
22. States parties are invited to cooperate so as to establish and/or utilize databases comprising all samples of travel documentation of countries, where appropriate and consistent with domestic law.
23. States parties should consider strengthening cooperation among border control agencies, as appropriate, to prevent and detect the smuggling of migrants by, inter alia, establishing and maintaining direct channels of communication.

24. States parties should consider adapting their responses to the smuggling of migrants to the multimodal modus operandi of numerous transnational migrant smuggling networks, including by enhancing cooperation and information-sharing with countries along smuggling routes, consistent with international and domestic law.

VII. Seventh meeting, 8 and 9 September 2020

1. States parties are encouraged to plan for potential arrivals of smuggled migrants as a result of crises, including having in place reception mechanisms that address immediate medical and humanitarian concerns, as well as migration status.

2. States parties should reinforce national data collection and analysis on the impact of crises, such as the current coronavirus disease (COVID-19) pandemic, on migrant smuggling routes and patterns to support cooperation with other States parties, including the sharing of such data and statistics.

3. States parties should enhance the early detection of cases of smuggling of migrants in crises by developing directories of national authorities and contact points in order to strengthen the exchange of information and coordination.

4. States parties should enhance awareness-raising efforts to educate the general public on the risks associated with the smuggling of migrants, including the increased vulnerability of smuggled migrants to exploitation, abuse, gender-based violence and trafficking in persons in times of crisis.

5. States, supported by international organizations when requested, should enhance cooperation at the regional and international levels to respond to emerging trends in the smuggling of migrants, in particular taking into consideration the challenges that crises, such as the COVID-19 pandemic, pose to the prosecution and investigation of this crime, as well as to address the needs of smuggled migrants.

6. States parties should provide targeted responses and protection measures for smuggled migrants throughout the COVID-19 crisis, including ensuring accessible and affordable public and social services, such as health care and care for children and older persons, and social protection measures.

7. States parties should support the wider use of technology within the criminal justice system, particularly during crises, to facilitate access to judicial processes and enable the collection and provision of evidence, and the submission and processing of documents by courts, in accordance with the guarantees of due process.

8. States parties are encouraged to consider, in accordance with article 19 of the United Nations Convention against Transnational Organized Crime and domestic law, setting up joint investigative teams as one of the most effective judicial cooperation tools to counter organized criminal groups active along migrant smuggling routes, and making use, for these purposes, of modern technologies, including videoconferences, as available, affordable and equally accessible to the States concerned.

9. States parties should expand data-collection and research efforts to better analyse the scope, scale and ways in which technology is misused to facilitate the smuggling of migrants at the regional and international levels, with particular consideration of criminal misuse of the Internet and social media applications by organized criminal groups.
10. States parties should identify and address gaps in national legal systems to ensure the effective investigation and prosecution of technology-facilitated smuggling of migrants, as well as enhanced national and cross-border cooperation.
11. States parties are encouraged to facilitate the collection, preservation and sharing of digital evidence concerning the smuggling of migrants, as well as its admissibility and use in court proceedings, in accordance with domestic law and their international obligations concerning human rights, privacy and due process.
12. States parties may consider convening and participating in meetings at the international and regional levels for practitioners to share information about the criminal misuse of cyberspace by migrant smuggling organizations, as well as best practices in identifying and accessing digital evidence from suspected migrant smugglers, consistent with international and domestic law.
13. In the context of a pandemic, States parties should share information about outbreaks and “hotspots” identified along migrant smuggling routes.
14. In accordance with the Smuggling of Migrants Protocol, States parties are encouraged to collaborate to improve the capacity to identify and secure digital evidence to better investigate and prosecute the smuggling of migrants, including by increasing access to technology and equipment necessary to access that evidence and by providing training to relevant border personnel.
15. States parties should continue developing and applying technological innovations in countering the crime of migrant smuggling and routinely evaluate such efforts to ensure their effectiveness, further dissemination and use, ensuring that any new initiatives do not duplicate existing and available technology tools.
16. States parties should endeavour to build expertise and capacity among relevant practitioners across sectors to allow for the maximum use of technology to prevent and combat the smuggling of migrants.
17. States parties should encourage and expand law enforcement capacity to identify, seize and share electronic evidence for the purpose of combating the smuggling of migrants, bearing in mind appropriate safeguards for privacy and human rights.
18. States parties should encourage and expand, where relevant and appropriate, effective partnerships between relevant sectors and stakeholders, including international and regional organizations, civil society, the private sector and academia, to enhance research, innovation and the use of technology to counter the smuggling of migrants.
19. States parties are encouraged to coordinate with relevant civil society organizations and other relevant stakeholders to increase public awareness of the criminal nature of

the smuggling of migrants and to facilitate the detection of this crime, including through the development and use of anonymous online reporting forms.

20. States parties are encouraged to develop comprehensive awareness-raising responses, in coordination with relevant stakeholders, such as civil society organizations, including tailoring and directing information campaigns not only towards potential smuggled migrants, but also towards diaspora networks, which can provide incoming and potential smuggled migrants with information about the risks and issues surrounding irregular migration.

21. States parties should consider establishing dedicated prosecutorial teams to enable specialized investigation in cyberspace to counter the criminal misuse of technology by smugglers and organized criminal groups involved in related offences.

22. States parties should seek to provide tailored capacity-building for law enforcement and criminal justice practitioners to enable them to promptly respond to emerging trends in the smuggling of migrants, especially in cyberspace.

VIII. Eighth meeting, 14 and 15 October 2021

1. States parties are encouraged to enhance data collection, research and the exchange of information on the correlation between the use of migrant smuggling services and the unavailability of pathways for regular migration in order to develop stronger evidence-based anti-smuggling policies, in accordance with their domestic law.

2. States parties are encouraged, in line with the fundamental principles of their domestic law and relevant and applicable international obligations, to take a human rights-based approach to migration policies through the mainstreaming of human rights-based, gender- and child-sensitive approaches, as a priority, in the development of pathways for regular migration, to place the protection and rights of migrants and those whose lives or safety are in danger in their migration at the core of anti-smuggling policies and practices, and to step up efforts to prevent the politicization of the migration discourse.

3. States parties are encouraged to enhance legal, policy and/or administrative mechanisms providing for regular travel, admission or stay in the territory of a State, and, taking into account national capabilities, ensure that regular migration processes are affordable, accessible, understandable and timely, in conformity with procedural safeguards and with the meaningful participation of all relevant stakeholders.

4. States parties should consider that unnecessarily restrictive migration policies could lead to fuelling the business of migrant smuggling, including by prompting smugglers to charge higher fees and to expose migrants to increased risks of aggravated forms of smuggling.

5. States parties should enhance coordination, collaboration and communication among all relevant national authorities, such as criminal justice, labour, border management and migrant protection authorities, to design effective pathways for regular migration.
6. States parties are encouraged to investigate and prosecute, in a timely manner, members of organized criminal groups, with a focus on high-ranking criminals, engaged in migrant smuggling, including through the use of proactive investigations and in cooperation with relevant regional, subregional and international organizations, and to protect witnesses, their relatives and other persons close to them, in accordance with the United Nations Convention against Transnational Organized Crime and their domestic legal frameworks.
7. States parties are encouraged to review their legislation, when necessary, to ensure that it fully complies with the definition of migrant smuggling, as provided by the Smuggling of Migrants Protocol, in particular by establishing criminal liability pursuant to the Protocol in the presence of a clear purpose of a financial or other material benefit, while giving appropriate consideration to humanitarian and compassionate reasons or factors.
8. States parties are encouraged to strengthen their measures to counter corruption as a possible enabler of the smuggling of migrants and as an obstacle to its effective prosecution, and to collect data on the scale of this phenomenon.
9. States parties are encouraged to effectively investigate and prosecute abuses committed against smuggled migrants, including in transit and destination countries, through the prosecution of offences related to aggravated forms of smuggling, where appropriate, and through the imposition of appropriate penalties.
10. States parties should ensure the effective investigation and prosecution of smuggling of migrants cases through the use of all available special investigative techniques and financial investigations, as provided for in their domestic legal frameworks, and through all forms of international cooperation, such as joint or parallel investigative teams, the deployment of liaison magistrates and the establishment of networks of prosecutors, inter alia by concluding bilateral or multilateral agreements or arrangements in line with article 18 of the United Nations Convention against Transnational Organized Crime.
11. States parties and their national authorities are encouraged, in appropriate cases, to make use of the channels of communication, networks of experts and services of the International Criminal Police Organization (INTERPOL) to foster international police cooperation at the regional and global levels in order to better respond to the smuggling of migrants.
12. States parties should seek to collaborate with Internet service providers and other relevant partners in the collection of evidence on the smuggling of migrants and in the prevention of the misuse by criminal networks of online platforms for the purpose of smuggling migrants.

IX. Ninth meeting, 27 and 28 June 2022

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.
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”.
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.
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.
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.
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.
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.
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;

¹Such 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.

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.

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.

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

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.

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.

X. Tenth meeting, 5 and 6 October 2023

1. States parties are encouraged to undertake, in line with the applicable international instruments, measures to enable the real-time exchange of information by their competent authorities in relation to the smuggling of migrants, including direct communication between law enforcement officials and contact persons in accordance with national legislation or, when appropriate, liaison officers, as an essential component of investigations and international cooperation.
2. States parties are encouraged to review their national legislation addressing the smuggling of migrants with a view to aligning it with the provisions of the Smuggling of Migrants Protocol, including by considering the use of the United Nations Office on Drugs and Crime (UNODC) Model Law against the Smuggling of Migrants, as a fundamental step in improving international cooperation to effectively prevent and combat this form of crime.
3. States parties are encouraged to establish, within their means, effective mechanisms to identify the health needs of smuggled migrants and to ensure that they have adequate access to health care.
4. The Working Group recommends to the Conference that the following topics, inter alia, be considered at future meetings of the Working Group:
 - (a) 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;
 - (b) Protection and assistance measures for smuggled migrants.
5. States parties are encouraged to consider the different roles of those involved in the smuggling of migrants and to improve international cooperation, including capacity-building, in this regard.
6. States parties are encouraged to consider strengthening efforts to investigate online migrant smuggling *modi operandi*. States parties are also encouraged to consider undertaking investigations on digital financial transactions related to the smuggling of migrants, in full respect of applicable data protection regulations.
7. States parties are encouraged, within their means and in compliance with relevant and applicable international instruments, and in full respect of the human rights of smuggled migrants, to improve their capacity to monitor and prevent the smuggling of migrants by sea, including by disrupting the financial and material resources of the criminal groups involved in such smuggling and by enhancing security measures at seaports, including, as appropriate, in cooperation with private sector entities, such as fishing and shipping companies.
8. States parties are encouraged, in accordance with national law and relevant applicable international instruments, to establish operating procedures to provide, within their

means, all necessary protection and assistance and to undertake fair risk assessment and return procedures for smuggled migrants.

9. States parties are encouraged, when addressing the smuggling of migrants at sea, to carry out search and rescue operations in accordance with domestic law and applicable international instruments and, as appropriate, in cooperation with neighbouring countries, and to arrange disembarkation in a place of safety as a priority.

10. States parties are encouraged, in accordance with their domestic law, to exchange information on their case law related to the interpretation of the Smuggling of Migrants Protocol, in order to strengthen international cooperation, including mutual legal assistance.

11. In criminal proceedings, States parties are encouraged to respect the principle of non-liability of smuggled migrants for the fact of being smuggled, in accordance with article 5 of the Smuggling of Migrants Protocol, without prejudice to the criminalization of other forms of conduct that constitute an offence under domestic law.

12. States parties are encouraged to address the protection of lives at sea, in accordance with the applicable international instruments and arrangements, and to strengthen the related capacity of authorities involved in border management, search and rescue and law enforcement at sea.

13. States parties are encouraged, in accordance with their domestic law, to provide or continue providing international cooperation and assistance with a view to addressing the root socioeconomic causes of the smuggling of migrants in countries of origin, to provide assistance to transit countries, based on their needs and priorities, and to enhance and facilitate legal migration pathways in cooperation with countries of origin.

14. States parties are encouraged to consider strengthening their collaboration with the International Criminal Police Organization (INTERPOL) Specialized Operational Network against migrant smuggling.

15. States parties are encouraged to nominate focal points and ensure their responsiveness in the process of the Implementation Review Mechanism, as well as to consider providing financial support to the secretariat for the purpose of advancing the progress of the Mechanism.

16. The secretariat should continue its outreach to States to advance the progress of the Implementation Review Mechanism and overcome challenges, including through the organization of briefings on the Mechanism for States parties and regional groups as well as for States at the pre-accession or pre-ratification stage in relation to the Smuggling of Migrants Protocol.

B. Resolutions and decisions adopted by the Conference of the Parties at its first 11 sessions

I. First session, 28 June to 8 July 2004

Decision 1/6

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

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

(a) Decides to carry out the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime² with respect to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention,³ by, inter alia, establishing a programme of work that it will review at regular intervals;

(b) Decides also that, for its second session, the programme of work with respect to the Migrants Protocol will be as follows:

- (i) Consideration of the basic adaptation of national legislation in accordance with the Protocol;
- (ii) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of article 6 of the Protocol;
- (iii) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Protocol;
- (iv) Exchange of views and experience gained in the implementation of articles 15 and 16 of the Protocol;

(c) Requests the Secretariat to collect information from States parties and signatories to the Migrants Protocol, in the context of the above programme of work, using for that purpose a questionnaire to be developed in accordance with guidance provided by the Conference of the Parties at its first session;⁴

²General Assembly resolution 55/25, annex I.

³General Assembly resolution 55/25, annex III.

⁴It was the understanding of the Conference that the questionnaire referred to in this paragraph would not include questions on the implementation of articles 15 and 16 of the Protocol.

- (d) Requests States parties to respond promptly to the questionnaire circulated by the Secretariat;
- (e) Invites signatories to provide the information requested by the Secretariat;
- (f) Requests the Secretariat to submit to the Conference of the Parties at its second session an analytical report based on the responses to the questionnaire.

II. Second session, 10 to 21 October 2005

Decision 2/4

Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

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

- (a) Reiterated its decision 1/6, by which it had requested States parties to respond promptly to the questionnaire circulated by the secretariat on the issues identified in that decision and had invited signatories to provide the information requested by the secretariat on those issues;
- (b) Noted with concern that the analytical report prepared by the secretariat⁵ was based on the responses of only 45 per cent of States parties to the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime;⁶
- (c) Urged those States parties which had not yet done so to submit their responses to the questionnaire to the secretariat not later than 31 March 2006;
- (d) Invited signatories that had not yet done so also to provide the information requested by the secretariat;
- (e) Called upon States parties and signatories to review the analytical report prepared by the secretariat for the second session of the Conference of the Parties and to be guided by it in preparing their responses;
- (f) Noted with concern that a number of States parties had not complied with their obligations under the Protocol;
- (g) Urged those States parties which had not complied with their obligations under the Protocol to rectify that situation as soon as possible and to provide information on the measures taken to do so to the secretariat for submission to the Conference of the Parties at its third session;

⁵CTOC/COP/2005/3.

⁶General Assembly resolution 55/25, annex III.

(h) Called upon States parties and signatories that encountered difficulties in providing the information requested by the secretariat in accordance with decision 1/6 and the present decision or in complying with their obligations under the Protocol to seek the assistance of the secretariat in that regard;

(i) Requested the secretariat to provide such assistance subject to the availability of extrabudgetary resources;

(j) Urged States parties to review whether they had fulfilled the reporting obligations referred to in article 8, paragraph 6, of the Protocol;

(k) Requested States parties that had already responded to the questionnaire circulated by the secretariat in accordance with decision 1/6 to update such information or legislation as appropriate;

(l) Requested the secretariat to submit an analytical report to include information received pursuant to the present decision, ensuring that it contained sufficient detail to permit the Conference of the Parties to review the implementation of the Protocol and the present decision, to the Conference of the Parties at its third session;

(m) Also requested the secretariat to submit to the Conference of the Parties at its third session new or updated information received pursuant to subparagraphs (g) and (k) above;

(n) Decided that the programme of work under this item for its third session will be as follows:

- (i) Consideration of matters related to protection and assistance measures for smuggled migrants (article 16);
- (ii) Consideration of matters related to return of smuggled migrants (article 18);
- (iii) Consideration of matters related to border measures (article 11), security and control of documents (article 12) and legitimacy and validity of documents (article 13);

(o) Requested the secretariat to collect information from States parties and signatories to the Protocol, in the context of the above programme of work, using for that purpose a questionnaire to be developed in accordance with guidance provided by the Conference of the Parties at its second session;

(p) Urged States parties to respond promptly to the questionnaire circulated by the secretariat;

(q) Invited signatories to provide the information requested by the secretariat;

(r) Requested the secretariat to submit an analytical report based on the responses to the questionnaire to the Conference of the Parties at its third session.

III. Third session, 9 to 18 October 2006

Decision 3/3

Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime⁷ and welcoming the results of the consultations of government experts held during its third session:

(a) Welcomes the fact that the majority of States parties that had provided national implementation information to the Secretariat have adopted legislative and institutional frameworks to ensure the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,⁸ and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;⁹

(b) Urges those States parties which have not yet done so to submit information on their national implementation efforts and milestones in response to the first two reporting cycles;

(c) Urges States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air to review their policies, legislation and regulatory regimes, especially with regard to the travel and identity documents referred to in article 12 of each of those Protocols, in order to ensure consistent and effective application of the obligations contained in the relevant articles of those Protocols;

(d) Urges States parties to provide, strengthen or facilitate, as appropriate, training in the areas of trafficking in persons and smuggling of migrants for judges, prosecutors and other lawyers, law enforcement, immigration, and other relevant officials, including providers of services for victims of trafficking in persons, with the support of technical assistance as may be required;

(e) Also urges States parties to identify and communicate to the secretariat their needs in technical assistance in order to assist it in developing proposals for effective and multidisciplinary anti-trafficking strategies and for effective anti-smuggling strategies;

⁷General Assembly resolution [55/25](#), annex I.

⁸General Assembly resolution [55/25](#), annex II.

⁹General Assembly resolution [55/25](#), annex III.

(f) Further urges States parties to take or strengthen measures, including through bilateral or multilateral cooperation, to improve the ability of law enforcement agencies to cooperate in investigations of trafficking in persons and smuggling of migrants;

(g) Further urges States parties to take or strengthen measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that lead to trafficking;

(h) Reminds States parties of their obligations under article 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air;

(i) Requests its secretariat to intensify cooperation, subject to the availability of extrabudgetary resources, with the International Labour Organization, the International Organization for Migration and other relevant international organizations, in accordance with article 33, paragraph 2 (c), of the Convention, with a view to developing practical guidelines for the identification by national competent authorities for victims of trafficking in persons for the purpose of labour exploitation, and to submit the guidelines to the Conference of the Parties at its fourth session, for discussion by States parties;

(j) Also requests its secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the provision of protection and assistance measures to victims of trafficking in persons, as well as measures related to the repatriation of victims of trafficking in persons;

(k) Further requests its secretariat, subject to the availability of extrabudgetary resources, to collect and make available to States parties successful practices with respect to investigations of offences covered by the Protocol against the Smuggling of Migrants by Land, Sea and Air and the provision of protection and assistance measures to persons who have been the object of conduct set forth in article 6 of that Protocol;

(l) Further requests its secretariat, subject to the availability of extrabudgetary resources, in cooperation with States parties and other relevant international organizations, to make available successful practices in the areas of training and capacity-building, as well as awareness-raising strategies and campaigns, with a view to enhancing efforts to identify and assist victims of trafficking in persons or persons who have been the object of conduct set forth in article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air;

(m) Further requests its secretariat, subject to the availability of extrabudgetary resources, to identify opportunities to mainstream its work related to the furtherance and objectives of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, into relevant United Nations agencies that are lead agencies in humanitarian crises or emergency situations.

IV. Fourth session, 8 to 17 October 2008

Decision 4/5

Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,¹⁰ reminding States parties of all their obligations under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,¹¹ recalling its decision 3/3 and taking note of the growing complexity of the issue of the smuggling of migrants:

(a) Welcomed the results of the consultations of Government experts held during its fourth session;

(b) Urged Member States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and, in particular, the Migrants Protocol;

(c) Welcomed the fact that the majority of the States parties that had provided information on national implementation to the Secretariat had adopted legislative and institutional frameworks to ensure the implementation of the Migrants Protocol;

(d) Requested the Secretariat, in consultation with States parties, to develop, if necessary, tools to improve the cooperation between law enforcement agencies, inter alia, in the area of communication and data collection and analysis;

(e) Requested the Secretariat to make available to Member States information on successful practices and measures with the aim of facilitating the participation of witnesses in the criminal justice system;

(f) Took note with appreciation of the information-gathering tool developed by the United Nations Office on Drugs and Crime;

(g) Requested the Secretariat to report to it, at its fifth session, on the activities of the Secretariat, including participation in international and regional organizations, to promote and support the implementation of the Migrants Protocol;

(h) Decided to hold open-ended intergovernmental expert consultations during its fifth session, in order to exchange, inter alia, experience and practices on the implementation of the Migrants Protocol;

(i) Urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Migrants Protocol;

¹⁰United Nations, *Treaty Series*, vol. 2225, No. 39574.

¹¹*Ibid.*, vol. 2241, No. 39574.

- (j) With reference to the report of the Secretariat to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime:¹²
- (i) Welcomed the steps being taken to develop a model law against the smuggling of migrants in order to assist States in drafting or amending national legislation in compliance with the Migrants Protocol;
 - (ii) Welcomed also the efforts undertaken to provide guidance and information on best practices in the areas of training and capacity-building, as well as awareness-raising strategies to prevent and combat the smuggling of migrants;
- (k) Requested the Secretariat to keep the States parties informed on the above-mentioned matters.

V. Fifth session, 18 to 22 October 2010

Resolution 5/3

Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

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

Recalling the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime,¹³ reminding States parties of all their obligations under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,¹⁴ and recalling its decision 4/5 of 17 October 2008,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;¹⁵
2. *Recalls* that, in accordance with article 2 of the Smuggling of Migrants Protocol, and in the context of a human rights perspective, the rights of smuggled migrants should be protected when implementing the Protocol;

¹²CTOC/COP/2008/8.

¹³United Nations, *Treaty Series*, vol. 2225, No. 39574.

¹⁴Ibid., vol. 2241, No. 39574.

¹⁵Ibid.

3. *Decides* to strengthen international, regional and bilateral cooperation, including through technical assistance programmes, to promote full and effective implementation of the Smuggling of Migrants Protocol;

4. *Urges* States parties, in accordance with the Smuggling of Migrants Protocol, to promote or strengthen, as appropriate, 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;

5. *Urges* States parties to develop or strengthen, as appropriate, laws to maximize opportunities for international cooperation, including in extradition and mutual legal assistance, and to prosecute migrant smugglers;

6. *Bears in mind* that smuggling of migrants and trafficking in persons are distinct crimes that may in some cases share some features but that in most cases require separate legal, operational and policy responses;

7. *Underlines* the need to provide migrants with humane treatment and full protection, in accordance with the Smuggling of Migrants Protocol, mindful in that regard that States parties are obliged, in accordance with article 16 of the Protocol, to take all appropriate measures to protect the rights of persons who have been the object of smuggling in accordance with the Protocol, in particular the right to life and the right not to be subjected to torture or other cruel, inhumane or degrading treatment or punishment;

8. *Recalls* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,¹⁶ adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, and invites Member States to take immediate steps to incorporate into international crime prevention strategies measures to prevent, prosecute and punish crimes involving violence against smuggled migrants, including when such violence is associated with organized crime;

9. *Welcomes* the outcome of the consultations of Government experts held during the fifth session of the Conference and decides to establish an open-ended intergovernmental interim working group, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime,¹⁷ and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau, to advise and assist the Conference in the implementation of its mandate with regard to the Smuggling of Migrants Protocol;

10. *Notes* the publication of the United Nations Office on Drugs and Crime's *Model Law against the Smuggling of Migrants* and the *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*, and invites States to utilize those materials in developing their capacity to address the smuggling of migrants;

¹⁶A/CONF.213/18, chap. I, resolution 1.

¹⁷United Nations, *Treaty Series*, vol. 2225, No. 39574.

11. *Acknowledges* the efforts made in 2009 and 2010 by the United Nations Office on Drugs and Crime to build State capacity through several regional training workshops on investigating and prosecuting the smuggling of migrants, and encourages States to support, as a priority, the continuation of such workshops;

12. *Recognizes* the ongoing work of the expert group meetings hosted by the United Nations Office on Drugs and Crime to elaborate an in-depth manual on investigating and prosecuting the smuggling of migrants;

13. *Notes* the publication of the issue papers prepared by the United Nations Office on Drugs and Crime entitled “A short introduction to migrant smuggling”¹⁸ and “Migrant smuggling by air”¹⁷ and the expert group meetings on those topics, and requests the Secretariat to convene an expert group meeting to prepare an issue paper on the smuggling of migrants by sea;

14. *Also notes* the recent publication of the *Guide for the Development of Forensic Document Examination Capacity*¹⁹ and the December 2009 expert group meeting on that topic;

15. *Notes* that the implementation of laws and policies related to the smuggling of migrants is complex and necessarily involves multiple agencies, and recommends that States parties establish or strengthen, as appropriate, inter-agency coordination;

16. *Urges* States parties to strengthen measures, as outlined in the section on prevention, cooperation and other measures of the Smuggling of Migrants Protocol, to prevent smuggling of migrants and increase the sharing of information between States parties and relevant authorities;

17. *Reinforces* the importance of States parties, pursuant to articles 12 and 13 of the Smuggling of Migrants Protocol, ensuring the integrity and security of travel or identity documents and verifying, within a reasonable time, the legitimacy and validity of such documents suspected of being used to smuggle migrants;

18. *Calls upon* the Secretariat, in coordination with States parties, to develop tools to assist States parties seeking to strengthen the integrity and security of travel and identity documents and promote cooperation among States parties with the goal of stemming the misuse of travel or identity documents;

19. *Reinforces* the importance of States parties, pursuant to article 11 of the Smuggling of Migrants Protocol, without prejudice to international commitments in relation to the free movement of people and based in the spirit and traditions of the Protocol, strengthening, to the extent possible, border controls as may be necessary to prevent and detect the smuggling of migrants;

¹⁸Available from www.unodc.org.

¹⁹United Nations publication, Sales No. E.10.IV.8.

20. *Calls upon* States parties to consider establishing and maintaining, as appropriate, direct channels of communication between border control agencies, enhancing law enforcement cooperation, strengthening the capacity of law enforcement agencies and taking other measures contemplated in article 27 of the Organized Crime Convention to achieve those goals;

21. *Requests* the Secretariat to report to it, at its sixth session, on activities at the international and regional levels to promote and support the implementation of the Smuggling of Migrants Protocol, in coordination with relevant regional and international organizations;

22. *Decides* that the open-ended intergovernmental interim working group established in paragraph 9 above should hold consultations during the sixth session of the Conference in order to exchange information on, inter alia, experiences and practices on the implementation of the Smuggling of Migrants Protocol;

23. *Requests* the Secretariat to regularly keep the States parties informed on the above-mentioned matters;

24. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.

VI. Sixth session, 15 to 19 October 2012

Resolution 6/3

Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

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

Recalling article 32 of the United Nations Convention against Transnational Organized Crime,²⁰ in which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention and the Protocols thereto, including the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,²¹

²⁰United Nations, *Treaty Series*, vol. 2225, No. 39574.

²¹*Ibid.*, vol. 2241, No. 39574.

Recalling also its resolution 5/3 of 22 October 2010,

Reaffirming the importance of the Smuggling of Migrants Protocol as the primary international legal instrument to combat the smuggling of migrants and related conduct, as defined in the Protocol,

Underscoring the supplementary relationship of the Smuggling of Migrants Protocol to the Convention and the fact that effective implementation of the Protocol relies in part on States parties implementing their legal obligations under the Convention,

PP 5

Acknowledging the importance of the recent work by regional initiatives to combat the smuggling of migrants, including the Fourth Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali, Indonesia, in March 2011,

Welcoming the conclusions of the international conference entitled “Migrant smuggling: challenges and progress in implementing the Protocol against the Smuggling of Migrants by Land, Sea and Air”, held in Mexico City in April 2012,

Recalling that, in its resolution 5/3, the Conference established an open-ended inter-governmental interim working group on the smuggling of migrants and decided that the working group, inter alia, should discuss experiences and practices with regard to the implementation of the Smuggling of Migrants Protocol,

1. *Urges* Member States that have not yet done so to consider ratifying or acceding to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;²²

2. *Calls upon* States parties to continue to review and, as appropriate, strengthen their relevant legislation, including criminal legislation, and establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the United Nations Convention against Transnational Organized Crime,²³ including by introducing appropriate sanctions commensurate with the nature and gravity of the offence;

3. *Urges* States parties to adopt and implement appropriate measures, including legislation, if necessary, to protect 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;

4. *Encourages* States parties, upon request, to continue providing technical assistance and support the efforts of international partners, including the United Nations Office on Drugs and Crime, that provide technical assistance aimed at strengthening the capacity of States parties to criminalize, investigate and prosecute the smuggling of migrants, for example, by assisting States parties in incorporating the provisions of the Smuggling of Migrants Protocol into their national legislation;

²²Ibid.

²³Ibid., vol. 2225, No. 39574.

5. *Requests* the United Nations Office on Drugs and Crime to continue its technical assistance and capacity-building efforts, in coordination and cooperation with bilateral assistance providers and other relevant international organizations that assist States parties, upon request, in implementing the Smuggling of Migrants Protocol, and to assist States, upon request, in ratifying or acceding to the Smuggling of Migrants Protocol;

6. *Reminds* States parties that, although the smuggling of migrants and trafficking in persons may, in some cases, share some common features, States parties need to recognize, consistent with the Smuggling of Migrants Protocol and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,²⁴ that they are distinct crimes requiring separate legal, operational and policy responses;

7. *Welcomes* the report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 30 May to 1 June 2012,²⁵ and encourages States parties to implement, where necessary, the recommendations contained therein;

8. *Urges* States parties to intensify, as appropriate, their efforts at the national and international levels with regard to cooperation in order to provide specialized training to law enforcement, prosecutorial and judicial officials, such as training for those responsible for gathering evidence from the point of interception of smuggled migrants;

9. *Also urges* States parties:

(a) To consider raising awareness of the penalties for the offence of the smuggling of migrants, especially offences committed under aggravating circumstances, so that those penalties may better serve as deterrents;

(b) To consider establishing aggravating circumstances to the relevant offences, in accordance with article 6, paragraph 1, of the Smuggling of Migrants Protocol, including those aggravating circumstances contained in article 6, paragraph 3, of the Smuggling of Migrants Protocol, specifically, circumstances that endanger or are likely to endanger the lives or safety of the migrants concerned or that entail inhuman or degrading treatment of such migrants;

(c) To ensure, where appropriate, that, in investigating and prosecuting the smuggling of migrants, the undertaking of concurrent financial investigations is considered with a view to tracing, freezing and confiscating proceeds acquired through such crime, and to consider the smuggling of migrants to be a predicate offence of money-laundering;

10. *Further urges* States parties to respect the fundamental human rights of smuggled migrants, irrespective of their migration status, nationality, gender, ethnicity, religion or age, taking into account the special needs of women and children;

²⁴Ibid., vol. 2237, No. 39574.

²⁵CTOC/COP/WG.7/2012/6.

11. *Invites* States parties to exchange their views and to share information and good practices regarding the measures taken to protect the human rights of smuggled migrants;

12. *Urges* States parties, as appropriate, to strengthen the security of their identity and travel documents and their capacity to detect fraudulent documents;

13. *Also urges* States parties to use, to the fullest extent possible, mutual legal assistance and other forms of cooperation and coordination to combat the smuggling of migrants at the national, regional and international levels, and encourages States parties to use the Organized Crime Convention as a legal basis for international cooperation, in particular in the form of mutual legal assistance and extradition to combat the smuggling of migrants;

14. *Further urges* States parties to consider the importance of bilateral and multi-lateral cooperation, including cooperation at the regional level and with neighbouring countries, in order to strengthen border control, conduct joint investigations, exchange operational information and intelligence and develop training programmes for relevant actors;

15. *Encourages* States parties to consider establishing, in countries of origin, transit and destination, programmes for returning smuggled migrants, including programmes for repatriation to the countries of origin, with the assistance of relevant international organizations and civil society, where appropriate, in line with the recommendations contained in paragraphs 52 and 53 of the report on the meeting of the Working Group on the Smuggling of Migrants;

16. *Also encourages* States parties to use existing operational databases, such as the databases of the International Criminal Police Organization (INTERPOL), to exchange information, including information on persons convicted of or suspected of committing any of the crimes set forth in article 6 of the Smuggling of Migrants Protocol and information on lost or stolen documents, in accordance with domestic law;

17. *Further encourages* States parties to reinforce multiagency cooperation and coordination, such as by considering the establishment of multiagency centres for the purpose of data collection, strategic and tactical analysis and information-sharing in order to detect, prevent and suppress the smuggling of migrants;

18. *Encourages* States parties to exchange information on best practices to promote cooperation to the fullest extent possible to prevent and suppress the smuggling of migrants by sea, in accordance with the international law of the sea, in order to implement article 7 of the Smuggling of Migrants Protocol;

19. *Decides* that the Working Group on the Smuggling of Migrants should continue to perform the functions set forth in Conference resolution 5/3 of 22 October 2010;

20. *Also decides* that the Working Group should hold at least one intersessional meeting prior to the seventh session of the Conference, and notes in that regard the recommendation of the Working Group that the next meeting should focus on good practices in special investigative techniques and the establishment of multiagency centres;

21. *Requests* the Secretariat to continue to assist the Working Group in the performance of its functions, and to submit a report to the Conference at its seventh session on the implementation of the present resolution;

22. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.

VII. Tenth session, 12 to 16 October 2020

Resolution 10/3

Effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

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

(...)

Reaffirming that one of the main purposes of the Conference is to improve the capacity of States parties to prevent and combat trafficking in persons, welcoming the forthcoming launch of the Implementation Review Mechanism, noting with appreciation the efforts of the Working Group on Trafficking in Persons, as well as the Working Group on International Cooperation, the Working Group on Technical Assistance, the Working Group on the Smuggling of Migrants and the Working Group on Firearms, to provide the benefits of their expertise to the development of the self-assessment questionnaires for the Mechanism, and welcoming the outcomes of the open-ended intergovernmental expert group established in accordance with Conference resolution 9/1, with the input of these working groups, in completing and harmonizing the self-assessment questionnaires and the blueprints for the list of observations and the summaries,

(...)

2. *Encourages* Member States, where appropriate and in accordance with domestic law, to adopt an integrated strategy to better address the distinct and very often interrelated components of trafficking in persons and smuggling of migrants, which are recognized as crimes that in some cases may share some features and that in many cases require complementary, legal, operational and/or policy responses, taking into account the important role of States parties to both Protocols in the fight against these crimes;

(...)

**Thematic index of
recommendations and relevant
resolutions
and decisions**

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	III.7 and III.9	CTOC/COP/WG.7/2015/6		11 and 13	
	IV.5	CTOC/COP/WG.7/2017/5			5
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	VI.9 , VI.16 , VI.17 and VI.22	CTOC/COP/WG.7/2019/6			9, 16, 17 and 22
	VII.2 , VII.9 , VII.15 and VII.18	CTOC/COP/WG.7/2020/4			2, 9, 15 and 18
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	Part B VI.14	CTOC/COP/2012/15	Resolution 6/3	14	
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	X.12	CTOC/COP/WG.7/2023/5			12
International law, obligations towards refugees/asylum seekers	Part A				
	I.26	CTOC/COP/WG.7/2012/6		29	1
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	I.39 and I.49	CTOC/COP/WG.7/2012/6		42 and 52	
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	VII.5 and VII.18	CTOC/COP/WG.7/2020/4			5 and 18
	VIII.6 and VIII.11	CTOC/COP/WG.7/2021/5			6 and 11
	IX.11 and IX.13	CTOC/COP/WG.7/2022/4			11 and 13
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	III.2 and III.30	CTOC/COP/WG.7/2015/6		6 and 34	
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	VII.10	CTOC/COP/WG.7/2020/4			10
	VIII.3 and VIII.7	CTOC/COP/WG.7/2021/5			3 and 7
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	X.2	CTOC/COP/WG.7/2023/5			2
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	III.a	CTOC/COP/2006/14	Decision 3/3	(a)	
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UNODC

United Nations Office on Drugs and Crime

Vienna International Centre, PO Box 500, 1400 Vienna, Austria
Tel.: (+43-1) 26060-0, Fax: (+43-1) 26060-5866, www.unodc.org