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

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

### **Report of the Secretariat**

#### **I. Introduction**

1. The present report has been prepared to inform the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, at its twelfth session, about the activities undertaken by the United Nations Office on Drugs and Crime (UNODC) to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The report covers the period from July 2022 to July 2024.
2. As at July 2024, there were a total of 152 parties to the Smuggling of Migrants Protocol. Since the eleventh session of the Conference, Chad (2022) and Uganda (2024) have become parties.
3. Through its global and regional programmes, strategies and dedicated projects, UNODC supports Member States, upon request, in implementing the Protocol, using a comprehensive and collaborative approach aimed at preventing the smuggling of migrants, prosecuting its perpetrators and protecting the rights of smuggled migrants.
4. Under the relevant global programmes, in the period 2022–2024, more than 9,000 practitioners from over 60 Member States received technical assistance in strengthening their response to the smuggling of migrants and trafficking in persons. In addition, until April 2024 UNODC provided legislative and policy development assistance to 17 countries and two regional organizations. In 2023 alone, 241 investigations into trafficking in persons and the smuggling of migrants were initiated by UNODC-trained experts, and the Office carried out 28 South-South cooperation activities.

\* CTOC/COP/2024/1.



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

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

6. In January 2024, UNODC consolidated the existing global programmes against trafficking in persons and the smuggling of migrants into a new global programme, the “Action against Human Trafficking and Migrant Smuggling”, to mark a paradigm shift in its approach to tackling these crimes. The new programme is the main vehicle for the delivery of the Office’s technical assistance and normative and policy work globally. Under the programme, UNODC is increasing its field presence in order to be nearer to the countries that need help; forging new partnerships to harness the benefits of modern technology; and creating programming that addresses trafficking in persons and migrant smuggling from different angles, including sustainable development challenges and climate change.

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

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

#### 1. Support for intergovernmental bodies

##### *Conference of the Parties to the Organized Crime Convention*

8. During the reporting period, UNODC provided substantive support for two meetings of the intergovernmental Working Group on the Smuggling of Migrants, established by the Conference. At its tenth meeting, held in Vienna and online on 5 and 6 October 2023, the Working Group focused its discussions on two areas. The first area of discussion was who to charge with the crime of migrant smuggling, and who is and is not a migrant smuggler (see CTOC/COP/WG.7/2023/2). The second area of discussion covered developments, challenges and best practices in preventing and combating the smuggling of migrants by sea (see CTOC/COP/WG.7/2023/4). A total of 443 participants from 98 countries and 14 international and intergovernmental organizations registered for the meeting.

9. The eleventh meeting of the Working Group was held in Vienna on 11 and 12 July 2024. To support the Group’s discussions and in line with past practice, UNODC drafted thematic background papers for each topic discussed. The first topic was preventing and combating the smuggling of migrants through international cooperation while addressing its root causes, in line with the provisions of the Organized Crime Convention and the Protocols thereto (see CTOC/COP/WG.7/2024/2). The second topic was protection and assistance measures for smuggled migrants (see CTOC/COP/WG.7/2024/3). A total of 276 participants from 97 countries and five international and intergovernmental organizations registered for the meeting.

10. At its tenth and eleventh meetings, the Working Group adopted 28 technical and substantive recommendations, primarily addressed to States parties to enhance implementation of the Protocol and the international response to the smuggling of migrants (see CTOC/COP/WG.7/2023/5 and CTOC/COP/WG.7/2024/5).

11. Furthermore, UNODC contributed to promoting the participation of non-governmental stakeholders in the second and third constructive dialogues on the smuggling of migrants. The second dialogue was held on 9 October 2023 and was attended by 44 civil society organizations, in addition to 38 Member States. The summary of the dialogue includes seven observations directed at Member States, which highlight, inter alia, the need to integrate policies and practices aimed at criminalizing migrant smugglers with robust actions for the protection of migrants, effectively addressing crime while safeguarding migrants' safety, dignity and human rights. The third constructive dialogue was held on 15 July 2024. In total, 98 civil society organizations and 39 Member States took part. The discussions resulted in observations identified by the Co-Chairs and included in their summary of the dialogue.

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

12. During the reporting period, UNODC supported the preparation and servicing of the thirty-second session of the Commission on Crime Prevention and Criminal Justice, held from 22 to 26 May 2023. The issue of migrant smuggling featured in the guide for the thematic discussion on enhancing the functioning of the criminal justice system to ensure access to justice and to realize a safe and secure society (E/CN.15/2023/6), especially under the section on access to justice for people victimized while on the move. The guide highlighted that people on the move may become victims of crime and have the right to access justice without discrimination, and stressed the specific factors that contribute to impeding the ability of people on the move to report abuses and seek justice, including the lack of implementation of the non-punishment principle.

13. UNODC also organized, co-organized and supported various side events related to the smuggling of migrants on the margins of the thirty-second session of the Commission, including the following: "Climate, crime and exploitation", at which a UNODC policy brief on the topic was disseminated; "Launch of the report: misuse of the hawala system by opiate traffickers and migrant smugglers"; "Smuggling of refugees: latest research findings from the UNODC Observatory on Smuggling of Migrants"; and "Strengthening policies against organized criminal networks involved in the smuggling of migrants and related crimes, in particular trafficking in human beings, along the central and western Mediterranean routes". Migrant smuggling was also discussed during side events organized by Member States, including on the topics "The dynamics of human smuggling and trafficking on routes to the central Mediterranean" and "Sharing best experiences and practices of developing countries in the provision of integrated protection systems for victims of human trafficking and smuggled migrants".

14. Furthermore, UNODC included the topic of the smuggling of migrants in the guide for the thematic discussion on promoting international cooperation and technical assistance to prevent and address organized crime, corruption, terrorism in all its forms and manifestations and other forms of crime, including in the areas of extradition, mutual legal assistance and asset recovery (E/CN.15/2024/7), prepared for the thirty-third session of the Commission on Crime Prevention and Criminal Justice, held in May 2024.

15. On the margins of the thirty-third session of the Commission, UNODC co-organized a side event entitled "Celebrating European Union-UNODC partnership in addressing migrant smuggling through a whole-of-route approach", as well as an exhibition on how UNODC works to combat trafficking in persons and migrant smuggling.

#### *General Assembly*

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

17. Several resolutions were adopted during the reporting period, including General Assembly resolution [78/229](#), in which the Assembly took note for the first time of the Observatory on Smuggling of Migrants, as well as the first *Global Study on Smuggling of Migrants*, published by UNODC in 2018.

18. In its resolution [78/217](#) on the protection of migrants, the Assembly reaffirmed the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, including those of women and children, regardless of their migration status. Moreover, it encouraged States to cooperate and to take appropriate measures, in full conformity with their obligations under international human rights law, to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information-sharing and joint operational functions, enhancing capacities and supporting opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants, particularly women and children. The smuggling of migrants was also addressed or referred to in General Assembly resolutions [77/20](#), [77/176](#), [77/198](#), [77/237](#), [77/248](#), [78/69](#), [78/180](#), [78/184](#), [78/218](#) and [78/219](#).

19. During the reporting period, the Office continued to provide substantive input to relevant reports of the Secretary-General on the implementation of General Assembly and Security Council resolutions on issues related to migration and the smuggling of migrants, including on international cooperation in combating transnational organized crime and corruption; on Non-Self-Governing Territories; on strengthening the rule of law; on the threat posed by Da'esh; on migration off the coast of Libya; on oceans and the law of the sea; and on conflict-related sexual violence.

#### *Security Council*

20. In its resolution [2652 \(2022\)](#) on the smuggling of migrants and trafficking in persons into, through and from the Libyan territory and off the coast of Libya, the Security Council reaffirmed the necessity of putting an end to the ongoing proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya. This necessity was further reiterated in Security Council resolution [2698 \(2023\)](#) on the maintenance of international peace and security.

21. The Security Council also expressed grave concern about and condemned the extremely high levels of criminal activities in Haiti, including the smuggling of migrants, in its resolutions [2653 \(2022\)](#), [2692 \(2023\)](#) and [2699 \(2023\)](#). Subsequently, in its resolution [2700 \(2023\)](#), it demanded an immediate cessation of violence, criminal activities and human rights abuses, including the smuggling of migrants, which undermine the peace, stability and security of Haiti and the region.

22. UNODC continued to assist Haiti and Libya in strengthening their criminal justice responses to organized criminal groups involved in the smuggling of migrants and trafficking in persons, as described in greater detail under section B.2 below.

#### *Human Rights Council*

23. During the reporting period, concern was also expressed regarding the smuggling of migrants in the Human Rights Council. In its resolution [53/24](#), the Council affirmed that the smuggling of migrants and crimes against migrants, including those involving trafficking in persons, continued to pose a serious challenge, and required a concerted international assessment and human rights-based response. In the same resolution, the Council called upon States to protect migrants from becoming victims of national and transnational organized crime, inter alia through the implementation of programmes and policies that prevented victimization and provided effective guarantees and protections, as well as access to medical, psychosocial and legal assistance, where appropriate.

24. In its resolution [53/26](#) on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the Council expressed concern at the continued irregular maritime movement of Rohingya Muslims who risked their lives in perilous conditions at the hands of smugglers and human traffickers, and called upon the international community to effectively address that situation in cooperation with the relevant United Nations agencies, and to ensure international burden- and responsibility-sharing.

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

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

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

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

28. In 2023, the UNODC Office in Costa Rica received funding from the United Nations multi-partner trust fund for three projects. The first project was a joint initiative of UNODC, the International Organization for Migration (IOM) and the United Nations Entity for Gender Equality and the Empowerment of Women to strengthen law enforcement and criminal justice agencies in their efforts to combat trafficking in persons and migrant smuggling. The second project, implemented in Nigeria by UNODC and IOM, focused on strengthening fact-based and data-driven migration governance and management. The third and most recent project was a joint initiative of UNODC and the United Nations Children's Fund to address irregular migration and combat transnational crime and trafficking in persons along maritime and land routes from Togo to Gabon.

29. As a result of past efforts to strengthen UNODC engagement in the United Nations Network on Migration, UNODC was appointed to the steering committee of the United Nations multi-partner trust fund, which is the fund's decision-making and governance body, and charged with determining how the fund can best support collaborative work by members of the Network with national partners.

30. On 2 July 2024, the principals of UNODC and IOM signed a joint statement of partnership based on the common interest of both agencies to ensure holistic, people-centred responses to contemporary challenges posed by transnational organized crime in relation to migration. As part of this renewed partnership, UNODC and IOM will, inter alia, engage in joint efforts to protect women and children, pursue closer coordination and joint work in Ukraine, develop opportunities for joint data collection and analysis on the smuggling of migrants and trafficking in persons and continue to collaborate through the United Nations Network on Migration.

31. In the context of the Network, UNODC and IOM are co-leading a new thematic workstream on migrant smuggling in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR). The workstream was included in the Network’s workplan for the period 2023–2024 and endorsed at the Network’s annual meeting held in Geneva in October 2022. Membership of the workstream currently comprises United Nations agencies (UNODC, IOM and UNHCR), civil society and research organizations (the Mixed Migration Centre, the Platform for International Cooperation on Undocumented Migrants, the European University Institute, Georgetown University, the Graduate Institute of International and Development Studies, the Migration Youth and Children Platform and a Malaysian migrant organization, Our Journey). The workstream is entitled “Ensuring migrant protection through strengthened responses to migrant smuggling and increased coordination on its linkages with trafficking in persons”. Among other objectives, it facilitates coordination with existing platforms, including those working to combat trafficking in persons where there are intersections between trafficking in persons and the smuggling of migrants, to optimize available resources and foster a comprehensive, coordinated approach.

32. In June 2023, the workstream hosted the Global Compact for Migration talk entitled “Towards effective solutions: addressing the complexities behind the smuggling of migrants”. This was the first virtual event held as part of the workstream, and it was chaired by UNODC and attracted over 572 participants, including 80 States. It provided an opportunity to present the first policy output under the workstream – a policy brief entitled “Mapping the landscape of the smuggling of migrants: an overview of key concepts, trends, challenges and areas for action”. In October 2023, UNODC also disseminated a policy brief entitled “Countering trafficking in persons and smuggling of migrants in mixed migration movements”, which details the role and relevance of UNODC mandate areas under the Global Compact for Migration.

33. Under the framework of the United Nations Regional Network on Migration for West Africa, UNODC, IOM and the Office of the United Nations High Commissioner for Human Rights (OHCHR) co-organized a regional meeting on migration champion countries under the Global Compact for Migration. The meeting brought together Government representatives from African “champion countries”, as well as civil society organizations, academia, regional bodies in Africa and Network members. At the event, best practices were assessed and shared, inter-regional cooperation was strengthened and momentum was galvanized around the 2024 regional reviews of implementation of the Global Compact.

34. Moreover, during the reporting period, UNODC contributed to a statement prepared by the Network for the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, entitled “There won’t be efficient climate action without listening to peoples’ voices”. The statement places a strong emphasis on enhancing regular migration, rights-based migration responses and meaningful inclusion of persons in vulnerable situations in related action.

#### *Regional reviews of the implementation of the Global Compact for Migration*

35. UNODC participated in the second round of regional reviews of the implementation of the Global Compact for Migration, in March 2024, with the regional review of the European region. The regional reviews provide Member States and stakeholders with an opportunity to assess their progress in implementing the objectives and guiding principles of the Compact, including objective 9 (to strengthen the transnational response to smuggling of migrants), with a focus on regional collaboration and dialogue. In Egypt in July 2024, UNODC participated in the regional reviews for Arab States. The next regional reviews will be held in the course of 2024 and 2025.

*Inter-Agency Group on the Protection of Refugees and Migrants Moving by Sea*

36. As a member of the Inter-Agency Group on the Protection of Refugees and Migrants Moving by Sea, UNODC contributed to the complementary pledge made under the Global Compact on Refugees and the Global Compact for Migration to develop comprehensive responses to the protection challenges faced by refugees and migrants moving by sea, which was presented during the second Global Refugee Forum, held in Geneva in December 2023. The aim of the pledge is to reduce loss of life at sea through increased search and rescue capacities and coordination, as well as strengthened anti-smuggling actions that prioritize saving lives and addressing protection needs.

**3. Data collection, research and analysis***Observatory on Smuggling of Migrants*

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

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

*Smuggling routes*

39. The Observatory's key findings on the smuggling of migrants in West Africa, North Africa and the central Mediterranean, in South-East Asia and from Nigeria during the reporting period are set out below.

40. Routes used to smuggle migrants by land and sea lead from Nigeria to other parts of West Africa, Central Africa, Southern Africa, North Africa and Europe, while air routes lead to Europe, North Africa, the Middle East and North America. The smuggling of migrants from Nigeria by air is more likely to involve offences related to document fraud.

41. Migrants and refugees interviewed in Nigeria and Italy for the Observatory's research on the smuggling of migrants in West Africa, North Africa and the central Mediterranean travelled along the same routes but had different intended destinations. Recent studies confirm that when most people moving across borders in West Africa first leave their country of origin, their intended final destination is a neighbouring country or a country in North Africa. Despite years of deteriorating security and economic conditions, Libya remains a primary destination for low-skilled migrant workers. Once in Libya, however, several of the people interviewed for the research decided to move on to Europe in order to escape exploitation and flee the intensifying conflict in the country in 2019.

42. According to the Observatory, tens of thousands of people from Myanmar, other parts of South-East Asia and outside the region are smuggled to, through and from Indonesia, Malaysia and Thailand every year.

*Incidence of smuggling of migrants*

43. Nigerians on the move surveyed for the Observatory's research were asked about their use of smugglers and travel facilitators. Eighty-five per cent of them had used at least one smuggler or facilitator for their journey. Many Nigerians use smugglers because they want to migrate but do not have access to safe and legal migration pathways or are not aware of those that are available. Thirty per cent of Nigerians surveyed believed that there was no alternative to being smuggled to achieve their migration goals.

44. Along the routes in West Africa, North Africa and the central Mediterranean, the smuggling of migrants is also largely a demand-driven crime. This means that the incidence of the crime is connected with the number of people who require smuggling services, which is, in turn, based on their motivation to migrate, combined with a lack of regular alternatives. The demand from refugees and migrants is for migration, and when this is not possible or feasible regularly and independently, this becomes a demand for smuggling services.

45. Of 4,785 migrants and refugees from Afghanistan, Bangladesh, Cambodia, Indonesia, the Lao People's Democratic Republic, Myanmar, Pakistan, Somalia and Viet Nam who were surveyed in Indonesia, Malaysia and Thailand for the Observatory's research, 83 per cent said that they had been smuggled. Demand for migrant smuggling among refugees and migrants is driven by a perceived lack of opportunities for regular migration in situations of conflict, violence and persecution; by statelessness and a lack of travel and identity documents; by limited access to regular migration channels to apply for international protection and find employment opportunities; and by corruption.

#### *Modi operandi of smugglers and presence of corruption*

46. The modus operandi used to smuggle people from Nigeria involves the collection by local smuggling agents of a fee at the client's location of origin in Nigeria. In return, those agents provide the contact details of the smuggler at the next point in the journey, who provides the next contact, and so on.

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

48. Corruption is a key driver and enabler of the smuggling of migrants, as well as an integral part of the modi operandi of migrant smugglers in South-East Asia and other regions around the world. Research carried out by the Observatory since its inception in 2019 has consistently shown that where there is smuggling, there is corruption. One in four smuggled people surveyed for the Observatory's research had to give officials a bribe (a gift, money or a favour) in addition to an official fee in order to obtain a service.

#### *Fees*

49. Variations in fees depend on several factors on both the demand and supply sides, including the number of actors involved in the transaction and the commission they charge, the risks of the journey and the perceived wealth of the customer.

50. Smuggled Nigerian migrants pay an average of \$610 in fees to be smuggled by land within West and North Africa. Fees cover access to the network of smuggling contacts and transportation, and sometimes also bribes and accommodation. In South-East Asia, although a wide range of fees was mentioned (from \$19 to \$6,650), the smuggled people surveyed paid an average of \$2,380 in fees, in cash, by bank transfer and, in the case of some Afghans, partly through the hawala system.

51. Sea crossings are almost always paid for separately from the rest of the journey, and the fee is sometimes paid to different actors. Field research carried out by the Observatory suggests that smuggling fees requested for sea crossings may have decreased since 2015, when the average fee was reported at around \$1,000 per sub-Saharan African client.

#### *Risks and abuses*

52. Smuggled Nigerians are victims of aggravated smuggling offences perpetrated by smugglers and of abuses by other actors, and are forced to witness violence perpetrated against family members. Almost half of the Nigerians surveyed for the Observatory's research reported experiencing physical violence, one in four reported



being detained and one in five reported being subject to sexual violence and deprivation of liberty for the purposes of extortion.

53. Along the routes in West Africa, North Africa and the central Mediterranean, the rights of smuggled persons are routinely violated, in particular in Libya. Those violations include loss of life, deprivation of liberty, trafficking in persons, sexual and gender-based violence, and torture and other cruel, inhuman and degrading treatment.

54. People smuggled to, within and from South-East Asia are subjected to forced labour and trafficking in persons for forced labour by smugglers and by employers with or without connections to the smugglers. When smuggling is linked to the brokering of jobs, as is often the case for Rohingya and Chin people from Myanmar, as well as for people from Indonesia, Cambodia and the Lao People's Democratic Republic, the risks of debt bondage and trafficking in persons are high.

#### 4. Development of knowledge, policy guidance and tools

*Model Law against the Smuggling of Migrants and Legislative Guide for the Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*

55. In February and March 2024, UNODC initiated online expert-level consultations to review the Model Law against the Smuggling of Migrants and the *Legislative Guide for the Implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*. The first meeting was attended by 43 representatives of Governments, civil society and academia from Africa, the Middle East and Asia, while the second was attended by 56 representatives of Governments, civil society and academia from Latin America and the Caribbean. The consultations contributed to the development of normative guidance to better address the current and future assistance needs of States, as well as regional particularities and concerns.

*Sharing Electronic Resources and Laws on Crime knowledge management portal*

56. The Smuggling of Migrants Knowledge Portal, powered by the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC), was launched by UNODC in 2017 and integrated into SHERLOC in 2022. The Portal has continued to expand throughout the reporting period and, as at July 2024, the case law database contains 831 cases involving migrant smuggling from 46 jurisdictions, the legislation database contains 263 pieces of legislation relating to migrant smuggling from 104 countries and the bibliographical database contains 581 entries relating to migrant smuggling. An updated collection and analysis of the national criminalization provisions were undertaken in 2024 and will be made available in time for the twelfth session of the Conference of the Parties to the Organized Crime Convention.

57. Material on the smuggling of migrants contained in the SHERLOC databases contributes to strengthening the capacity of Member States to fight impunity and increase accountability by successfully investigating and prosecuting cases relating to the smuggling of migrants, which is accomplished through SHERLOC by means of the collection, analysis, review and dissemination of court cases from various jurisdictions and legal systems, and through the collation of related information on legislation, strategies and available literature. UNODC increasingly uses the case law database as a source of information for developing additional normative and policy guidance documents and technical assistance tools. The sharing by Member States of case law pertaining to the smuggling of migrants is thus key to better understanding the implementation of the Smuggling of Migrants Protocol and the effectiveness of the criminal justice measures taken in response to this crime.

*Knowledge Hub on Human Trafficking and Migrant Smuggling*

58. The Knowledge Hub on Human Trafficking and Migrant Smuggling (KNOWTS) provides an online, interactive learning management system to support the UNODC global community of practice, and functions as a one-stop shop for practitioners, offering instant access to training material, recorded training sessions, audiovisual resources, publications, insights from peers and case studies. During the reporting period, KNOWTS became an increasingly useful tool for promoting adherence to and implementation of both 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. As at July 2024, the platform has 1,703 users from 114 countries and territories, of whom 55 per cent are female. Since July 2022, KNOWTS has facilitated more than 39 events, both online and in a hybrid format, related to the smuggling of migrants and trafficking in persons.

*Publications*

59. At the end of 2022, UNODC launched the following publications:

(a) A policy brief entitled *Climate, Crime and Exploitation: The Gendered Links between Climate-related Risks, Trafficking in Persons and Smuggling of Migrants*, which recognizes that the fragility of natural environments and the adverse consequences of climate change are increasingly pushing people worldwide to move from and across territories, and that these migratory patterns have complex intersections with trafficking in persons and the smuggling of migrants;

(b) A report entitled “Smuggling of migrants in the Sahel”, which analyses the profiles of smugglers, refugees and migrants in Burkina Faso, Chad, Mali, Mauritania and the Niger, as well as smuggling routes, underlying drivers of migration, modus operandi of smugglers, the role of corruption in the smuggling of migrants and the exploitation and abuse experienced by smuggled refugees and migrants. The publication concludes, inter alia, that even refugees and migrants with valid travel documents may use smugglers to avoid the difficulties, delays and costs associated with legal procedures and the costs associated with crossing a border or checkpoint.

60. In 2023, UNODC launched the following publications:

(a) “The scope of transcontinental migrant smuggling from South Asia to North America”, which summarizes the findings of the implementation of the Strengthening Transregional Action and Responses against the Smuggling of Migrants (STARSOM) initiative over three years. The findings show that criminal networks that smuggle migrants on the long and dangerous routes from South Asia to North America have become more ruthless, more professional and richer. Corruption, forgery and links to other forms of crime, including trafficking in persons and drug trafficking, are commonplace, and countries continue to face obstacles in their efforts to combat smuggling operations;

(b) *Guía de mentoría para autoridades sobre tráfico ilícito de migrantes y circunstancias agravantes (Mentoring Guide for Law Enforcement on Smuggling of Migrants and Aggravating Circumstances)* (available in Spanish only), which is designed for government authorities and other actors who are responsible for addressing the crime of migrant smuggling and training other professionals within their institutions. It includes guidelines on providing care services to migrants who are the object of this crime under a human rights-based and gender-responsive approach;

(c) *Study on Illicit Financial Flows Associated with Smuggling of Migrants and Trafficking in Persons from GLO.ACT Partner Countries to Europe*, published within the framework of the Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT) – Asia and the Middle East. The study focuses on the trends, nuances and complexities surrounding illicit financial flows associated with the smuggling of migrants and trafficking in persons in specific countries and

puts forth a set of recommendations aimed at informing future technical assistance. The results show that criminal networks frequently use payment and transfer methods that are not easily traceable by the authorities, such as direct cash payments and hawala. In some cases, illicit finances are registered as legal income of legitimate businesses and are processed and transferred together with legal funds;

(d) *The Hawala System: Its Operations and Misuse by Opiate Traffickers and Migrant Smugglers*, a study that provides an overview of the general working practices of hawaladars at the global and regional levels and addresses the misuse of the hawala system by criminal actors, examining in detail the links between hawala and opiate trafficking and migrant smuggling. The findings of the study suggest that hawaladars both knowingly and unknowingly facilitate the smuggling of migrants by providing multiple financial services, including money or value transfer services, safekeeping funds and introducing migrants and refugees to smugglers;

(e) A policy brief entitled “Accessing justice: challenges faced by trafficked persons and smuggled migrants”, which provides an insight into the obstacles faced by smuggled migrants and trafficked persons in their attempts to access justice. The brief also provides recommendations to Member States on how to best ensure unhindered access to justice for victims of the crime;

(f) “Links between smuggling of migrants and other forms of organized crime along the central and western Mediterranean routes”, which reveals, among other findings, that no single group dominates the smuggling activities on these two routes; rather, they are carried out by a variety of groups with different degrees of organization, and that migrant smuggling is strongly linked to trafficking in persons on the routes. The report also contains a set of recommendations to inform the development of policies to combat organized criminal groups involved in the smuggling of migrants across the Mediterranean;

(g) *Acts and Rules: Training Manual on the Prevention of Human Trafficking and Migrant Smuggling for Civil Judges and Judicial Magistrates*, which is intended to strengthen the capacity of civil judges and judicial magistrates to fight these two crimes in Pakistan and was produced in cooperation with the Government of Pakistan.

61. So far in 2024, UNODC has published *Perfiles y modos de operación de personas facilitadoras del tráfico ilícito de migrantes en América Central, México y la República Dominicana (Profiles and Modi Operandi of Smugglers in Central America, Mexico and the Dominican Republic)* (available in Spanish only), produced in partnership with IOM. This study identifies and describes the profiles of the people and groups involved in the smuggling of migrants in Central America, especially in the Dominican Republic and Mexico; the factors that influence the use of smugglers on different routes; the modi operandi of smugglers, including means of transportation, fees and risks for the smuggled migrants; the connection between the smuggling of migrants and other crimes, such as drug trafficking, trafficking in persons and document forgery; and the correlation between the occurrence of smuggling and the level of danger of migratory transit routes.

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

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

62. Since 2022, UNODC has provided legislative assistance, through its relevant global, regional and country programmes, in drafting and revising national laws to address the smuggling of migrants in several countries, including Bangladesh, the Comoros, Iraq, Kyrgyzstan, Malawi, Pakistan, Somalia and South Sudan, as well as in the Caribbean Community and the European Union.

63. UNODC assisted the Government of the Comoros in drafting stand-alone legislation to counter the smuggling of migrants. The draft law proposes a set of provisions that are based on the Model Law against the Smuggling of Migrants,

aligned with the obligations contained in the Smuggling of Migrants Protocol and tailored to the specificities of the country.

64. UNODC prepared a submission, at the request of the Government of Pakistan, on the interpretation of article 5 of the Smuggling of Migrants Protocol, regarding the non-criminalization of smuggled migrants.

65. At a special meeting of the Caribbean Community standing committee of chiefs of immigration and standing committee of comptrollers of customs, UNODC presented technical proposals for improving a draft regional model law to better align it with the Smuggling of Migrants Protocol and known best practices.

66. In 2023, UNODC participated in two pre-accession bilateral meetings related to the Smuggling of Migrants Protocol, the first held with delegates from Bangladesh and the second with representatives from Somalia and South Sudan.

67. Also in 2023, UNODC provided technical support and advice to the Malawi Law Commission and assisted it in integrating a chapter on the smuggling of migrants into the new Immigration Act, ensuring that the main provisions of the Smuggling of Migrants Protocol were reflected in the country's domestic legislation.

68. Furthermore, UNODC carried out an analysis of the new legal reform package on the smuggling of migrants presented by the European Commission on 28 November 2023. The proposal emphasizes the need to review the legal obligations arising from the Smuggling of Migrants Protocol, in particular regarding the definition of the offence.

69. UNODC supported and participated in the meeting of the focal points working to combat the smuggling of migrants in the Southern African Development Community (SADC) region, which was held in South Africa from 4 to 7 December 2023. At the meeting, the Office shared information on Vienna-based intergovernmental processes related to the smuggling of migrants with the aim of encouraging participation by SADC countries, which are generally underrepresented, in intergovernmental processes. UNODC is actively supporting the increased participation of States previously underrepresented in such processes as an impactful way to advance the global agenda against the smuggling of migrants.

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

70. During the reporting period, UNODC delivered capacity-building activities and training to law enforcement and judicial authorities in numerous countries, including Albania, Bangladesh, Bosnia and Herzegovina, Brazil, Colombia, the Comoros, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Ghana, Guatemala, Honduras, Iraq, Kazakhstan, Kyrgyzstan, Malawi, Maldives, Montenegro, Nepal, Nigeria, North Macedonia, Pakistan, Panama, Peru, the Republic of Moldova, Serbia, Sri Lanka, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, as well as in Kosovo.<sup>1</sup>

71. UNODC successfully concluded the implementation of the STARSOM initiative, a two-year project implemented between 2021 and 2023 with the support of the Anti-Crime Capacity Building Programme of Canada. The objective of the project was to help countries improve investigations and prosecutions of smuggling cases while reducing the threats and risks for smuggled persons. Through the initiative, UNODC trained and mentored more than 900 experts from 14 countries on how to investigate and prosecute the smuggling of migrants. The training resulted in the investigation of more than 90 cases and the launch of joint investigations among participating countries. Activities under the initiative provided valuable information on the extent of the crime along routes from South Asia to the United States of America and Canada through the Arabian Peninsula, West Africa, and South and Central America and the Caribbean.

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

72. In Latin America, the STARSOM initiative successfully facilitated the establishment of three specialized multidisciplinary task forces against migrant smuggling, in Costa Rica, the Dominican Republic and Honduras, with a focus on aggravated forms of migrant smuggling.

73. In Libya, since January 2023, UNODC has cooperated with local authorities to support maritime safety and security actions with the aim of tackling the smuggling of migrants and all forms of transnational organized crime, in line with human rights principles. Those cooperative actions seek to enhance cooperation among ministries in Libya involved in search and rescue and law enforcement operations at sea, while increasing respect for the human rights of those who are rescued at sea and who disembark in Libya.

74. With the aim of addressing the current security situation in Haiti, in particular the criminal activity of gangs that engage in or facilitate the smuggling of migrants and trafficking in persons, UNODC has worked since 2024 on strengthening the capacities of the Haitian law enforcement authorities to dismantle organized criminal networks that engage in the smuggling of migrants, trafficking in persons and other forms of organized crime, through capacity-building and the procurement of operational equipment and infrastructure. The Office will also support the development of policy and issues briefs on the smuggling of migrants and trafficking in persons to capture trends and patterns in and relevant aspects of the *modi operandi* and the criminal justice response to these crimes and contribute to Operation Turquesa, run by the International Criminal Police Organization (INTERPOL), to interrupt ongoing smuggling and trafficking in persons operations in the Americas, including Haiti.

75. During the reporting period, UNODC strengthened the capacity of a range of officials in Bangladesh to better address the situation of the Rohingya people, who often become victims of crimes in the hands of smugglers and traffickers. In July 2022, UNODC organized a regional consultation on addressing trafficking in persons and the smuggling of migrants in Cox's Bazar, in order to enhance the capacity of criminal justice practitioners and relevant officials to combat those crimes. A refresher workshop on trafficking in persons and the smuggling of migrants for public prosecutors and humanitarian agencies was held in Bangladesh in August 2023. In October and November 2023, UNODC held a two-week training course entitled "Responding to migrant smuggling by sea" in Bangkok, with 20 Bangladeshi officials from the Criminal Investigation Department, the Police Bureau of Investigation, the Bangladesh River Police, the Special Branch of the Police, the Border Guard, the Coast Guard and the Navy, which are responsible for tackling migrant smuggling along routes in the Bay of Bengal. These different activities contributed to raising awareness of this crime and the protection needs of smuggled people in the country.

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

76. During the reporting period, UNODC launched Project Turquesa, a joint initiative with INTERPOL to better combat the smuggling of migrants and trafficking in persons in Latin America and the Caribbean. The project draws upon the strengths of both organizations to ensure a whole-of-justice approach to addressing the two crimes. It ensures that the rights of smuggled migrants and victims of trafficking are fully respected. The project also provides critical research and operational and strategic analysis to improve understanding of the routes, trends and *modi operandi* of human traffickers and migrant smugglers. Gender is mainstreamed throughout the project's activities. Under the project, as at July 2024, UNODC had provided specialized mentoring support to 32 prosecutors and law enforcement officials from 18 countries in the Latin American region, 56 per cent of whom were women. The mentoring focused on enhancing knowledge of advanced criminal investigation methods, including the use of new technologies.

77. In late 2023, INTERPOL launched Operation Turquesa V; under the operation, nearly 50,000 checks have been carried out at migration checkpoints in 33 countries. The operation has resulted in the arrest of 348 suspected traffickers and smugglers

and the rescue of 166 victims of trafficking in persons up to March 2024. The operation has been supported by UNODC, which has ensured that 20 of the 33 participating countries have facilitated the involvement of specialized prosecutors during the preparation, deployment and evaluation phases, resulting in 55 new investigations into trafficking in persons and the smuggling of migrants. This represents the highest number for both crimes since the previous versions of the operation.

78. In November 2023, UNODC participated in an international conference against migrant smuggling organized by the European Union. At the conference, the European Commission launched a call to action for a global alliance to counter migrant smuggling, aimed at increasing the prevention of and responses and alternatives to irregular migration, including by addressing its root causes and facilitating legal pathways.

79. In its efforts to promote cooperation among transit countries in the Western Balkans, UNODC supported States in the region in interacting with each other and creating channels of communication and cooperation through the organization of joint, binational training events on investigation and prosecution using case-based simulation. In addition to building capacity, the training was aimed at creating a culture of trust and cooperation among practitioners on both sides of the borders of countries experiencing the same smuggling flows.

80. During the reporting period, the second phase of implementation of the GLO.ACT initiative was completed and the third phase concurrently initiated under the Protect Project, which covers Afghanistan, Iraq, Pakistan and Central Asia, with a focus on Tajikistan. Also during the reporting period, UNODC embarked on the fourth phase of the GLO.ACT initiative, covering South Asia, including Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka. The core objective of the third and fourth phases is to support partner Governments in developing evidence-based strategies and legal and policy frameworks, enhancing the capacity of practitioners to better respond to trafficking in persons and migrant smuggling, fostering international cooperation and improving protection and assistance measures for victims of trafficking and migrants in vulnerable situations.

#### *South-South cooperation*

81. As global cooperation is key to the successful investigation of the transregional and transnational smuggling of migrants, UNODC has developed an initiative to support States of origin, transit and destination affected by the same migrant smuggling flows to interact, establish channels of communication, create a common understanding of the forms and manifestations of the smuggling of migrants and advance cooperation between their criminal justice systems (whole-of-route approach).

82. In addition, through Project Turquesa, UNODC and INTERPOL conducted specialized mentoring sessions in 2023 on the links between the use of information and communications technology and the smuggling of migrants. These sessions were held for South American countries, including Argentina, Brazil, Chile, Colombia, Paraguay, Peru and Venezuela (Bolivarian Republic of), and for Central American countries, including Costa Rica, the Dominican Republic, Guatemala, Honduras and Panama. The sessions facilitated the exchange of information and contact details among practitioners from these countries, thereby contributing to the efforts of UNODC to enhance South-South cooperation.

83. Through the STARSOM initiative, UNODC supported States in identifying new migrant smuggling routes and trends and fostered direct channels of communication and information exchange by organizing bilateral and transregional meetings among countries affected by the same smuggling flows. These meetings offered a platform for discussion and exchange and, in many cases, resulted in the initiation of both informal and formal cooperation in criminal matters among countries to counter organized criminal groups engaging in migrant smuggling.

84. Following a bilateral meeting between Malaysia and Sri Lanka in July 2023, for example, a case involving the alleged smuggling of Sri Lankan children to Europe using Malaysian passports was identified. In November 2023, the Sri Lankan Human Trafficking, Human Smuggling and Maritime Crime Division of the Criminal Investigation Department initiated an investigation into this alleged crime. Coordinated efforts involving the Controller General of the Department of Immigration and Emigration and the Criminal Investigation Department of Sri Lanka led to the obtention of a court order for investigation by the Department of Immigration and Emigration and the sharing of intelligence on suspected smugglers with the Malaysian authorities, which resulted in the identification of a suspected facilitator. The cooperation continues and a memorandum of understanding could be developed among the agencies concerned.

85. In April 2024, UNODC, under the GLO.ACT initiative, facilitated a high-level regional cooperation workshop on the smuggling of migrants in cooperation with the Federal Investigation Agency of Pakistan. The workshop brought together key stakeholders from countries of origin, transit and destination, including Egypt, Greece, Iran, Iraq, Italy, Libya, Oman, Pakistan, Türkiye and the United Arab Emirates, as well as other relevant European Union member States. The event offered a platform for both the formal and informal exchange of information and contributed to enhancing international cooperation in jointly countering migrant smuggling through a whole-of-route approach.

86. UNODC also facilitated three bilateral meetings between the authorities of Bangladesh and Libya to promote bilateral cooperation in cases relating to the smuggling of migrants and trafficking in persons. The meetings provided a platform for the lively exchange of views and consideration of various cooperation measures, and resulted in a commitment by each State to appoint three focal points to address relevant cases.

### III. Conclusions

87. The continued relevance of global discourse on the smuggling of migrants and the need to prioritize enhanced responses and adopt better practices are clear. Migrant smuggling is increasingly becoming an issue of global concern and shows no signs of abatement. There remains a consistent demand for technical assistance from States parties and for the development of policy-oriented and standard-setting guidance to support the implementation of the Protocol as well as for a solid evidence base.

88. The timely implementation of the Review Mechanism, early preparation by States parties for their own review and the related efforts of States parties to benchmark their national implementation of the Smuggling of Migrants Protocol are key to making progress in global efforts to respond to the crime, including through the formal identification of gaps and shortcomings. Increased engagement by all States parties, in particular through the Working Group on the Smuggling of Migrants, as well as by civil society organizations, through the constructive dialogue on the smuggling of migrants, in the exchange of thematic challenges and experience will also improve understanding of and responses to the smuggling of migrants in full respect of the rights of smuggled persons.

89. UNODC remains committed to promoting and supporting the implementation of the Smuggling of Migrants Protocol, and to working jointly with States parties and international and regional organizations, civil society and migrant constituencies towards making the fight against the smuggling of migrants, in all its forms, more effective.

90. The work remains under-resourced, despite its continued success and increasing impact globally and despite the calls by the Commission on Crime Prevention and Criminal Justice, in its resolution [30/1](#), and by the General Assembly, in its resolution [78/229](#), for UNODC to continue its work on the issue. In both resolutions, States were also called upon to provide extrabudgetary resources to strengthen the international

response to the smuggling of migrants through the detailed actions noted. As shown in the present report, significant technical work by UNODC has greatly advanced understanding of and responses to the smuggling of migrants in the reporting period but has also underlined the urgent need to support data collection and analysis to develop an evidence-based response and gain a better understanding of the impact of the responses on the crime, especially its organized crime dimension, and the upholding of the rights of smuggled persons. Evidence-based analysis could also increase understanding of the actual level of international cooperation to collectively address this crime.

91. UNODC is well positioned to assist States in their fight against the smuggling of migrants, which constitutes one of the most concerning forms of organized crime that States have identified in recent years and one of the key challenges linked to global migration policies.

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