



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

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## **Working Group on the Smuggling of Migrants**

Vienna, 18-20 November 2015

Item 2 of the provisional agenda\*

**Smuggling of migrants by sea**

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#### **Note by the Secretariat**

##### **Addendum**

##### **Annex**

### **Key tools and recommended resources**

#### **United Nations Office on Drugs and Crime issue paper on the smuggling of migrants by sea**

The purpose of this issue paper is to capture expertise from a range of experiences of countries of origin, countries of transit and countries of destination for the purpose of increasing understanding of the issue and the challenge of addressing it. The overall goal of the issue paper is to provide a global perspective on the issue of migrant smuggling by sea, examining the framework in which it is addressed, the key challenges inherent therein, and to recommend concrete measures that can be taken to strengthen response in this respect.

[www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue\\_Paper\\_-\\_Smuggling\\_of\\_Migrants\\_by\\_Sea.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_Smuggling_of_Migrants_by_Sea.pdf)

#### **Model Law against the Smuggling of Migrants**

The Model Law against the Smuggling of Migrants was developed by the United Nations Office on Drugs and Crime (UNODC) in response to a request by the General Assembly to the Secretary-General to promote and assist the efforts of States to become party to and implement the United Nations Convention against Transnational Organized Crime and the Protocols Thereto. It was developed in

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\* CTOC/COP/WG.7/2015/1.



particular to assist States in implementing the provisions contained in the Smuggling of Migrants Protocol by introducing the provisions that the Protocol requires or recommends that States introduce in their domestic legislation. The Model Law addresses specifically the issue of cooperation regarding the smuggling of migrants at sea.

### **Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants**

The UNODC *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants* is a practical guide and training tool for criminal justice practitioners around the world. Individual modules are designed to be adapted to the needs of different regions and countries, and can serve as a basis for upgrading or supplementing additional training programmes of national training institutes. Module 8 addresses international cooperation.

[www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/electronic-basic-training-manual-on-investigating-and-prosecuting-smuggling-of-migrants.html](http://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/electronic-basic-training-manual-on-investigating-and-prosecuting-smuggling-of-migrants.html)

### **In-depth Training Manual on Investigating and Prosecuting the Smuggling of Migrants**

The UNODC *In-depth Training Manual on Investigating and Prosecuting the Smuggling of Migrants* builds on the *Basic Training Manual* to promote common understanding of relevant concepts and encourages States parties to take a mutually reinforcing approach in their responses to the transnational organized crime of smuggling of migrants. The manual offers a practical approach to the investigation and prosecution of the smuggling of migrants, offering effective practices relevant to all countries of origin, transit and destination, regardless of their legal system. Module 8 addresses law enforcement cooperation and information-sharing.

[www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/in-depth-training-manual-on-smuggling-of-migrants.html](http://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/in-depth-training-manual-on-smuggling-of-migrants.html)

### **International Framework for Action to Implement the Smuggling of Migrants Protocol**

The *International Framework for Action to Implement the Smuggling of Migrants Protocol* is a technical assistance tool that aims to support effective implementation of the Smuggling of Migrants Protocol. The purpose of the *International Framework for Action* is to assist States parties and non-state actors to identify and address gaps in their response to smuggling of migrants in its different manifestations, including by sea, in accordance with international standards. The *International Framework* covers and discusses issues specific to migrant smuggling by sea, such as protection and assistance of smuggled migrants at sea, prevention of migrant smuggling by sea and cooperation in addressing migrant smuggling by sea.

International instruments, political commitments, guidelines and best practices are drawn upon to elaborate a comprehensive approach in preventing and combating the smuggling of migrants. The *International Framework* is comprised of four tables addressing prosecution (and investigation), protection (and assistance), prevention, and cooperation (and coordination).

[www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Framework\\_for\\_Action\\_Smuggling\\_of\\_Migrants.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Framework_for_Action_Smuggling_of_Migrants.pdf)

### **Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto**

The *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* is a publication with the main purpose to assist States seeking to ratify and implement the United Nations Convention against Transnational Organized crime and its Protocols. The Legislative Guides address law enforcement cooperation in part I, chapter V and stress that the general obligation to cooperate (art. 27) is not absolute; rather, it is to be conducted consistent with the respective domestic legal and administrative systems of States. This clause gives States parties the ability to condition or refuse cooperation in specific instances in accordance with their respective requirements. Subject to this general limitation, States parties are to strengthen the channels of communication among their respective law enforcement authorities (para. 1 (a)); undertake specific forms of cooperation in order to obtain information about persons, the movements of proceeds and instrumentalities of crime (para. 1 (b)); provide to each other items or quantities of substances for purposes of analysis or other investigative purposes (para. 1 (c)); promote exchanges of personnel including the posting of liaison officers (para. 1 (d)); exchange information on a variety of means and methods used by organized criminal groups (para. 1 (e)); and conduct other cooperation for purposes of facilitating early identification of offences (para. 1 (f)).

[www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html#\\_Full\\_Version\\_2](http://www.unodc.org/unodc/en/treaties/CTOC/legislative-guide.html#_Full_Version_2)

### **Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants**

The UNODC *Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants* is a standardized and cross-referenced set of measures designed to enable government officials in immigration, customs and law enforcement agencies and United Nations agencies, as well as other organizations, industry and individuals, to conduct comprehensive assessments of domestic systems, to identify areas of technical assistance, to assist in the design of interventions incorporating international standards and norms on the prevention and suppression of the smuggling of migrants, and to assist in training on these issues.

The *Assessment Guide* in its chapter VI, on border control, carrier liability and sea patrol, dedicates a special section to measures relating to smuggling of migrants by sea.

[www.unodc.org/documents/human-trafficking/Migrant-Smuggling/UNODC\\_2012\\_Assessment\\_Guide\\_to\\_the\\_Criminal\\_Justice\\_Response\\_to\\_the\\_Smuggling\\_of\\_Migrants-EN.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/UNODC_2012_Assessment_Guide_to_the_Criminal_Justice_Response_to_the_Smuggling_of_Migrants-EN.pdf)

**UNODC online directory of competent national authorities**

The database provides contact information for the competent authorities designated by 82 States under article 8, paragraph 5, of the Smuggling of Migrants Protocol. The directory currently contains the contact information of over 600 competent national authorities, organized into thematic categories: extradition, mutual legal assistance, illicit traffic by sea and smuggling of migrants by sea.

[www.unodc.org/compauth/en/index.html](http://www.unodc.org/compauth/en/index.html)

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