



9 COUNTER
SMUGGLING

STRENGTHEN THE TRANSNATIONAL RESPONSE TO SMUGGLING OF MIGRANTS



Associated actions

- a. **Promote ratification, accession and implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air**, supplementing the United Nations Convention against Transnational Organised Crime (UNTOC)
- b. **Use transnational, regional and bilateral mechanisms to share relevant information and intelligence on smuggling routes**, modus operandi and financial transactions of smuggling networks, vulnerabilities faced by smuggled migrants, and other data to dismantle the smuggling networks and enhance joint responses
- c. **Develop gender-responsive and child-sensitive cooperation protocols along migration routes** that outline step-by-step measures to adequately identify and assist smuggled migrants, in accordance with international law, as well as to facilitate cross-border law enforcement and intelligence cooperation in order to prevent and counter smuggling of migrants with the aim to end impunity for smugglers and prevent irregular migration, while ensuring that counter-smuggling measures are in full respect for human rights

- d. **Adopt legislative and other measures as may be necessary to establish the smuggling of migrants as a criminal offence**, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit for the smuggler, and include enhanced penalties for smuggling of migrants under aggravating circumstances, in accordance with international law
- e. **Design, review or amend relevant policies and procedures to distinguish between the crimes of smuggling of migrants and trafficking in persons** by using the correct definitions and applying distinct responses to these separate crimes, while recognizing that smuggled migrants might also become victims of trafficking in persons, therefore requiring appropriate protection and assistance
- f. **Take measures to prevent the smuggling of migrants along the migration cycle in partnership with other States and relevant stakeholders**, including by cooperating in the fields of development, public information, justice, as well as training and technical capacity building at national and local levels, paying special attention to geographic areas from where irregular migration systematically originates



Example practices

For more practices, visit the Migration Network Hub's **Repository of Practices**

Counter-Smuggling Work Plan 2019–2025

The Member Countries of the Regional Conference on Migration (RCM) developed a *Counter-Smuggling Work Plan 2019–2025*, which aims to be a key instrument for enhancing States' regional cooperation around preventing and combating migrant smuggling. The non-binding Work Plan lays out specific actions that States can take in four areas of cooperation: (1) investigation; (2) cooperation on judicial responses; (3) administrative detention and alternatives; and (4) migration solutions, prevention and assistance for migrant victims of related crimes. The Work Plan was designed for government actors, international organizations and civil society organizations working to combat the smuggling of persons and to protect smuggled migrants in vulnerable situations (RCM, 2018).

Global Action against Trafficking in Persons and the Smuggling of Migrants – Asia and the Middle East

The Global Action against Trafficking in Persons and the Smuggling of Migrants – Asia and the Middle East (GLO.ACT Asia and the Middle East) is a four-year (2018–2022), €12 million joint initiative by the European Union and the United Nations Office on Drugs and Crime (UNODC) implemented in partnership with IOM in four countries: Islamic Republic of Afghanistan, Islamic Republic of Iran, Republic of Iraq and Islamic Republic of Pakistan. GLO.ACT assists governmental authorities and civil society organizations in targeted, innovative and demand-driven interventions: sustaining effective strategy and policy development, legislative review

and harmonization, capability development, and regional and trans-regional cooperation. The project also provides direct assistance to victims of human trafficking and migrants in vulnerable situations through the strengthening of identification, referral and protection mechanisms (UNODC, n.d.).

Ibero-American network of specialized prosecutors on trafficking in persons and smuggling of migrants (REDTRAM)

In September 2018, the UNODC offices in Brazil and Colombia – in cooperation with the Ibero-American Association of Public Ministries (AIAMP) – held the fourth meeting of the Ibero-American network of specialized prosecutors on trafficking in persons and smuggling of migrants (REDTRAM), which resulted in various concrete outcomes aimed at increasing regional cooperation. For example, the network decided to set up joint investigation teams to handle specific cases of trafficking and smuggling in the region. It also decided to establish a technical secretariat for REDTRAM within Argentina’s Public Ministry as a way to promote improved communication and to process members’ requests for cooperation (UNODC, 2018).



Relevant sustainable development goals



SDG 10: Reduced inequalities

- 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies



SDG 16: Peace, justice and strong institutions

- 16.1:** Significantly reduce all forms of violence and related death rates everywhere
- 16.2:** End abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.4:** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime



SDG 17: Partnerships for the goals

- 17.16:** Enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation and enhance knowledge sharing on mutually agreed terms, including through improved coordination among existing mechanisms, in particular at the United Nations level, and through a global technology facilitation mechanism
- 17.18:** By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts