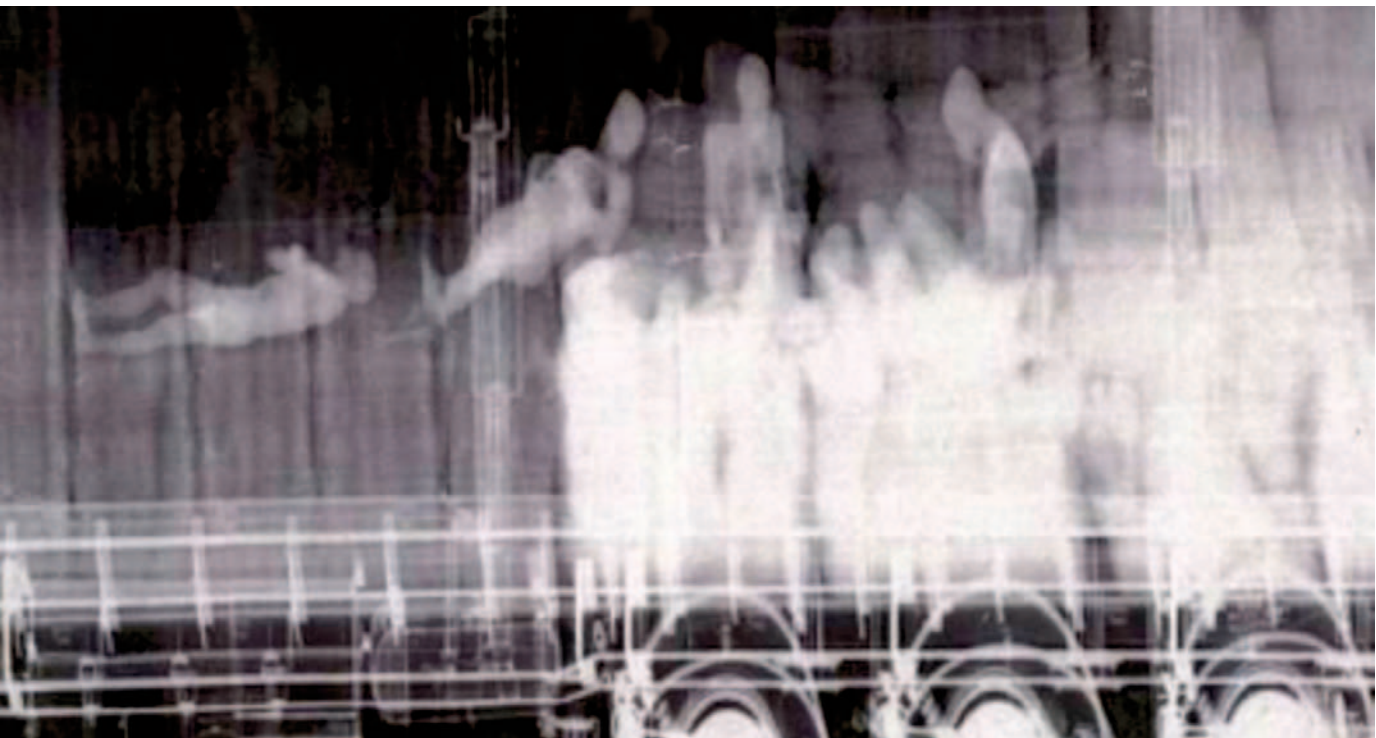




UNODC

United Nations Office on Drugs and Crime



Toolkit to Combat Smuggling of Migrants

Tool 4

**Problem assessment and
strategy development**



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UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

Toolkit to Combat Smuggling of Migrants

Tool 4

Problem assessment and strategy development



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Overview

A systematic process that reviews local circumstances is required in order to properly assess the situation of or response to the smuggling of migrants in a given area. The assessment should review the nature and extent of the problem and identify the agencies and groups involved in the protection and assistance given to intercepted migrants. Assessments should be conducted as a means of identifying needs and formulating response. Tool 4 is divided into four sections: “Problem assessment”, “Strategy development”, “Action plans and strategies”, and “Coordination mechanisms and institutions”. The four sections are subdivided as follows:

Problem assessment

- 4.1 offers some general guidelines on conducting assessments;
- 4.2 gives guidance on conducting assessments of smuggling of migrants situations;
- 4.3 offers some guidance on conducting rapid needs assessments in situations of sudden emergency;
- 4.4 provides guidance on conducting assessments of the national response to the smuggling of migrants and offers some examples of assessments that have been carried out;
- 4.5 offers guidance for assessing legal frameworks and gives relevant examples;
- 4.6 discusses assessments of the criminal justice system and provides some examples of such assessments.

Strategy development

- 4.7 offers some guiding principles for developing strategies to respond to the smuggling of migrants;
- 4.8 focuses on the development of multiagency approaches to intervention;
- 4.9 focuses on the development of inter-agency coordination mechanisms.

Action plans and strategies

- 4.10 showcases some national action plans and strategies;
- 4.11 gives examples of regional action plans and strategies;
- 4.12 sets out some interregional and international action plans and strategies.

Coordination mechanisms and institutions

- 4.13 offers some examples of national coordination mechanisms and institutions aimed at coordinating the response to the smuggling of migrants;
- 4.14 lists some regional coordination mechanisms;
- 4.15 cites examples of interregional and international coordination mechanisms and institutions.

Problem assessment

4.1 General guidance for conducting assessments

Assessment approach

Assessments should be considered a means of identifying needs.

- National governmental or non-governmental actors should initiate assessments and conduct them jointly with local Government and civil society actors. National authorities should also draw upon the expertise of research institutes.
- External actors can facilitate assessments, as they may be sensitive to local economic, social, cultural, civil and political circumstances.
- Findings should be openly shared with stakeholders for discussion.
- Clear frameworks and questionnaires should be developed before information is gathered.

Needs assessments should begin at the most basic level to consider such issues as:

- The extent to which Government agencies and non-governmental organizations are aware of the problem of the smuggling of migrants
- Whether there is legislation in place to address the smuggling of migrants and whether it is adequate
- Whether inter-agency agreements or guidelines have been initiated to build cooperation between Government agencies and non-governmental organizations
- The extent to which the Government is making funds available to combat the smuggling of migrants and assist smuggled migrants who may be victims of crime

Initial consultations with Government and non-governmental agencies should address:

- How the country perceives the smuggling of migrants and smuggled migrants
- What the country's general policies are in relation to irregular migration and related crimes such as trafficking in persons

Sources: Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights. *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook*. Warsaw, 2004. Available from www.osce.org/publications/odihr/2004/05/12351_131_en.pdf

United Nations Office on Drugs and Crime. *Criminal Justice Assessment Toolkit*. New York, 2006. Available from www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html

During the assessment

- Listen and respect your speaker. You are conducting the assessment to learn, not to lecture.
- Repeat your questions in different ways; there may be different answers.
- Remember that tools and checklists for conducting assessments are meant to assist you; reading a list of questions to an interviewee rather than engaging them in conversation may be counterproductive.
- Conduct interviews as privately as possible (with due regard for special situations, such as interviewing in a detention centre or prison).
- Ask to be shown how things work, rather than just listening to descriptions. Site visits and practical demonstrations reveal more than briefings.
- Ask people to show you what they do.
- Consider whether you are missing anything and ask yourself why that could be.
- Visit multiple locations when conducting site visits. Where possible, choose both urban and rural settings as well as settings where the socio-economic levels vary. What is relevant in a country's capital may not be applicable elsewhere.
- Wherever possible, corroborate information by consulting a wide range of sources (including, for example, United Nations agencies, local and international non-governmental organizations, academic institutions, donor countries, etc.).

Source: United Nations Office on Drugs and Crime. *Criminal Justice Assessment Toolkit*. New York, 2006. Available from www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html.

Recommended resources

United Nations Office on Drugs and Crime. *Criminal Justice Assessment Toolkit*. New York, 2006.

This Toolkit is a standardized and cross-referenced set of tools designed to enable United Nations agencies, Government officials engaged in criminal justice reform and other organizations and individuals to conduct comprehensive assessments of criminal justice systems; to identify areas of technical assistance; to assist agencies in the design of interventions that integrate United Nations standards and norms on crime prevention and criminal justice; and to assist in training on these issues. The Toolkit is a practical guide intended for use by those responsible for the assessment of criminal justice systems and the implementation of criminal justice reform.

It is available from www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html.

Bilger, Veronika, and Ilse van Liempt, eds. *The Ethics of Migration Research Methodology: Dealing with Vulnerable Immigrants*. Eastbourne: Sussex Academic Press, 2009.

The aim of this book is to present the difficulties that researchers working with migrants in precarious situations have to contend with, and to contribute to the development

of methodological and ethical discussions relevant to the topic of migration as an interdisciplinary field of research. This is done using a threefold approach: discussion of methods and ethics in institutional settings; rethinking basic research methods; and defining the role of the researcher.

Chapter 5 specifically addresses methodological and ethical issues in relation to undertaking research among smuggled migrants.

More information about this publication can be found at www.sussex-academic.co.uk/sa/titles/geography_environment/LiemptBilger.htm.

Literature surveys

Several studies have been conducted on patterns and trends in the smuggling of migrants throughout the world. The United Nations Office on Drugs and Crime (UNODC) has endeavoured to conduct a survey of that information by collating it in an accessible form. The result will be two freely available publications:

The smuggling of migrants from a global perspective: a thematic review

The purpose of this thematic review is to survey existing sources and research papers on the smuggling of migrants and to provide a gap analysis of the existing and missing evidence and knowledge on the smuggling of migrants from a global perspective, albeit primarily with regard to literature in English and French.

The overall objective of the report is to enhance concrete understanding of the increasing phenomenon of the smuggling of migrants by reviewing the information available about the scale of the phenomenon, characteristics of migrants, their motivations and smuggling trajectories, and the profile and modus operandi of smugglers. The review does not provide a detailed historical or legal analysis of the smuggling phenomenon, although conceptual challenges identified by the literature will be briefly analysed. The holistic approach taken by the author includes an impact assessment of anti-smuggling policies and reviews innovative concepts and proposals put forward by scholars and international organizations to stem this phenomenon. Such a practical approach is aimed at helping specialized agencies to establish effective programmes and to enhance the ability of decision makers to stem the smuggling of migrants in full compliance with international standards.

The second aim of the review is to highlight the need for further research on areas that have not been intensively researched yet, or where little material is available in English or French. Together with an annotated bibliography provided alongside the thematic review, the final report provides a list of main research centres, institutions and think tanks active in the field of smuggling of migrants. These practical tools will allow academics and researchers to further develop their activities.

This publication is currently being prepared. For more information, visit www.unodc.org or contact ahtmsu@unodc.org.

The Smuggling of Migrants Into, Through and From North Africa: A Thematic Review and Annotated Bibliography of Recent Publications

The aim of this publication is to contribute to increased understanding of the smuggling of migrants to, through and from North Africa, so as to facilitate the formulation of evidence-based policies on this issue.

It reviews literature that was published by academics, journalists, international organizations and non-governmental organizations. The literature was selected on the basis of thematic relevance, time and language: only publications in English, French and Italian were reviewed.

The review is structured into thematic chapters that review research publications with regard to the following topics:

- Quantifying irregular migration and smuggling of migrants in, from and through North Africa
- The geography of routes used to smuggle migrants
- Profile and characteristics of smuggled migrants
- Smuggler-migrant relationships
- Organizational structures of networks used to smuggle migrants
- The modus operandi of the groups involved in the smuggling of migrants
- Smuggling fees and profits
- The human and social costs of smuggling

Finally, this publication offers a summary of main findings, highlighting the challenges of researching the issue of the smuggling of migrants and the gaps in research. There is also an annotated bibliography of the reviewed literature.

This publication is currently being prepared. For more information, visit www.unodc.org or contact ahtmsu@unodc.org.

4.2 Guidance on situation assessments

The following list of questions are examples of the types of questions that can be asked when conducting an assessment on the situation of the smuggling of migrants in a given country, region or area. These questions listed below are suggestions only; any assessment questions should be tailored to the specific country being assessed, with regard to whether it is a country of origin, transit or destination (or a combination thereof).

Information on entry and exit points

- What are the main entry and exit points used by irregular migrants to enter and leave the country? Have there been any recent changes in that respect? Why could that be?
- Which are the country's main entry and exit points used by organized criminal groups for the smuggling of migrants? Have there been any recent changes in that respect? Why could that be?

Smuggled migrants

- Are there any estimates and trends on the extent to which smuggled migrants originate, transit through or are destined for the country?
- How many migrants are currently in the country with the aim of illegally migrating?
- What are the profiles of the smuggled migrants?
- What are the risks that smuggled migrants are exposed to during their journey?

Patterns of smuggling of migrants and involvement of organized crime

- What means of transportation do irregular migrants use during their journey?
- What is the estimated percentage of irregular migrants who use fraudulent travel and identity documents during their journey?
- Are there criminal groups involved in irregular migration in the country?
 - If so, who are these groups?
- What are the profiles of the persons who facilitate irregular migration?
- To what extent do the different ways of irregular migration depend on organized crime and to what extent are they dominated/controlled by it?
- How many organized criminal groups are estimated to be involved in the smuggling of migrants?
- What is the structure and degree of hierarchical organization of such groups?
- What is the size of such groups?

- What is the nationality of the criminals involved in such groups?
- What is the modus operandi used by organized criminal groups?
 - How and where are contacts established between smugglers and migrants?
 - What are the methods of transportation and concealment of smuggled migrants?
 - Where and how are means of transportation, in particular vessels, acquired and refurbished?
 - Are fraudulent travel and identity documents used? Who provides them?
 - Do the criminal groups resort to corrupt practices? What is the purpose of those corrupt practices and whom do they involve in it?
- How large are the profits for the smugglers? How much does a migrant pay?
- Are organized criminal groups that are involved in smuggling of migrants also involved in other illegal activities? What are those activities?
- What is the situation of trafficking in persons? What are the recent trends?
- What is the degree of connection between smuggling of migrants and trafficking in human beings?

Source: UNODC.

Promising practices

The following is a non-exhaustive list of assessments on the themes of smuggling of migrants and irregular migration. The material is presented in alphabetical order by organization.

Center for Comparative Immigration Studies, University of California

Kyle, David, and Zia Liang. *Migration Merchants: Human Smuggling From Ecuador and China*, Working Paper, No. 43. San Diego: Center for Comparative Immigration Studies, University of California, 2001. Available from <http://escholarship.org/uc/item/5h24b7j6>.

Clandestino

Clandestino was an interdisciplinary project that aimed at supporting policymakers in designing and implementing appropriate policies regarding undocumented migration. The aims of the project were:

- To provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected European Union countries
- To analyse these data comparatively
- To discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use
- To propose a new method for evaluating and classifying data on and estimates of undocumented migration in the European Union

Clandestino was funded by the European Commission and ran from September 2007 to August 2009.

For information about the Clandestino project, visit <http://clandestino.eliamep.gr/about>.

Database on Irregular Migration

Created as part of the Clandestino project, the Database on Irregular Migration provides an inventory and a critical appraisal of data and estimates in the European Union and selected member States, in addition to detailed background information. The database contains estimates of the size of irregular migrant populations and on their gender, age, nationality and sector of economic activity. Quantitative information is accompanied by substantial background materials on issues of general concern and the situation in individual countries.

In the absence of official figures, country experts involved in the Clandestino project aimed to collect relevant estimates regarding irregular migration in their respective countries up to autumn 2008. They also sought to include these figures in discussions of the migration situation, migration policy and public discourse in their countries.

The Database on Irregular Migration is hosted by the Hamburg Institute of International Economics and is available at <http://irregular-migration.hwwi.net>.

Consortium for Applied Research on International Migration

The Consortium for Applied Research on International Migration (CARIM) was created in February 2004 and is co-financed by the European Commission.

CARIM aims to observe, analyse and predict migration in the southern and eastern Mediterranean region and sub-Saharan countries.

The CARIM website contains information, data and contributions by experts on the countries and areas studied (Algeria, Chad, Egypt, Israel, Jordan, Lebanon, Libyan Arab Jamahiriya, Mali, Mauritania, Morocco, Niger, Palestine, Senegal, Syrian Arab Republic, Tunisia and Turkey). All of those countries are studied as origin, transit and immigration countries.

CARIM considers international migration in the region from three different perspectives: economic and demographic; legal; and socio-political. www.carim.org

European Police Office

European Police Office, *European Organised Crime Threat Assessment*, published annually.

This is a report that has been published annually since 1993. Since then, it has changed considerably: it used to be a compilation of the national contributions of 15 member States, but has now developed into a threat assessment document that is based on contributions from 25 member States as well as the European Police Office (Europol), and focuses on the results of the ongoing operational work with regard to different crimes. The report also makes use of other publications on organized crime. Before becoming the European Organised Crime Threat Assessment in 2006, the report was entitled the European Union Organised Crime Report.

www.europol.europa.eu/index.asp?page=publications

European Police Office. *Facilitated Illegal Migration into the European Union*. The Hague, 2008.

The term “facilitated illegal immigration” covers a number of serious crimes, all aimed at arranging, for financial gain, the illegal entry into or residence in a country in violation of the laws of that country. This report looks at facilitated illegal immigration within the European Union and covers the production and procurement of falsified documents, routes into member States, the involvement of organized crime and the law enforcement response.

www.europol.europa.eu/publications/Serious_Crime_Overviews/Facilitated_illegal_immigration_2008.pdf

Global Commission on International Migration

Koser, Khalid. Irregular migration, state security and human security, paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration, 2005. Available from www.gcim.org/attachements/TP5.pdf.

International Centre for Migration Policy Development

East Africa Migration Route Initiative Gaps and Needs Analysis

This project is funded by the UK Border Agency and implemented by the International Centre for Migration Policy Development (ICMPD) as part of the European Unions Global Approach to Migration and, more specifically, the East Africa Migration Route Initiative.

The objective of this project was to provide a knowledge base on migration patterns along the East Africa migration routes and to provide recommendations for migration-related support activities in the interest of all countries along these routes.

The project was implemented in two phases: desk research of current knowledge on East African migration routes, covering Egypt, Eritrea, Ethiopia, Kenya, the Libyan Arab Jamahiriya, Somalia, the Sudan and Yemen; and complementary field research missions to Ethiopia, Kenya and the Libyan Arab Jamahiriya, three geographically strategic countries along the East Africa migration routes, where a number of important migratory hubs are found.

[www.icmpd.org/686.html?&no_cache=1&F=1bfdvpmreymbwtc&tx_icmpd_pi1\[article\]=1133&tx_icmpd_pi1\[page\]=1134](http://www.icmpd.org/686.html?&no_cache=1&F=1bfdvpmreymbwtc&tx_icmpd_pi1[article]=1133&tx_icmpd_pi1[page]=1134)

International Centre for Migration Policy Development. East Africa Migration Route Initiative Gaps & Needs Analysis Project Country Reports: Ethiopia, Kenya, Libya. Vienna, 2008.

As part of the East Africa Migration Route Initiative, ICMPD implemented the East Africa Migration Route Gaps and Needs Analysis project to establish a clearer picture of migration flows and trends as well as of the migration management capacities and frameworks in place in East Africa. The project consisted of two phases: a desk research phase, which concluded with the East Africa Migration Route Report, and a field research phase to validate and complete the findings of the preceding desk analysis. The East Africa Migration Route Report recommended focusing the field research on Ethiopia, Kenya and the Libyan Arab Jamahiriya, stating that they merited further attention as part of efforts by the European Union to understand migration flows in East Africa.

This report is the result of the field research missions to Ethiopia, Kenya and the Libyan Arab Jamahiriya, which took place between December 2007 and February 2008. During the missions, a broad range of stakeholders were consulted on the migration flows to, through and from those countries, as well as on relevant migration trends. Migration management capacities and the needs of relevant authorities were also assessed.

www.icmpd.org/fileadmin/ICMPD-Website/Migration_Management/EAMRI_Country_Reports_-_Ethiopia__Kenya__Libya_-_ICMPD_2008.pdf

International Centre for Migration Policy Development, *Interactive Map (i-Map)*

The i-Map is a support instrument for learning about migration issues that provides in-depth analysis of the situation in a given region.

- The i-Map has two interfaces: a public one, displaying migration routes and flows and general information, and a secure one, containing detailed information that is restricted to representatives of partner States and partner agencies.
- Thematically, the i-Map is organized around three topics: irregular migration, legal migration, and migration and development.
- The i-Map currently covers Europe, Africa, the Middle East and the Mediterranean region.
- Arabic, English and French are the languages of the current i-Map.

The i-Map was created as part of the Dialogue on Mediterranean Transit Migration (MTM). ICMPD developed the interactive map concept in 2007, in collaboration with Europol and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), with the aims of supporting States to better manage mixed migration, and fostering international cooperation.

The i-Map covers the 37 Arab and European partner States of the MTM dialogue, providing analyses on key aspects of mixed migration and showing migration routes and flows. The topics covered are interception and apprehension, including the analysis of irregular flows; smuggling and trafficking activities; reception and detention/retention of irregular migrants; asylum and protection issues; and return and readmission. Three levels of analysis are available: regional (migration routes), national (country profiles) and local (migration hubs). Information is collected from MTM partner States and other sources. The partner agencies of the i-Map are: ICMPD (lead), Europol, Frontex, the International Criminal Police Organization (INTERPOL), UNODC, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Odysseus Academic Network. These expert international organizations and agencies play a key role in ensuring the accuracy and quality of the information provided.

Target users are analysts, operatives (e.g. law enforcement officers and border guards) and decision makers. The information provided is aimed at supporting target users in their research, analysis and forward planning. The i-Map underlines the regional context within which policies or actions are being implemented, and supports policy evaluation.

www.imap-migration.org

International Centre for Migration Policy Development. *Year Book on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe*.

This is a study that has been carried out annually since 1997. It analyses illegal migration and smuggling of migrants using a combination of qualitative and quantitative information to give an in-depth understanding of these processes.

<http://research.icmpd.org/1301.html#c2600>

International Organization for Migration

International Organization for Migration. *Baseline Research on Smuggling of Migrants in, from and through Central Asia*. Geneva, 2006.

This report discusses the issue of smuggling of migrants, distinguishing it from trafficking in persons and irregular migration, and elaborating on its link to human rights. General trends and patterns of smuggling of migrants are analysed before addressing the issue in the context of Central Asia. Three country sections provide a comprehensive guide to the migration context, relevant legislation, smuggling routes, the organization of smuggling of migrants, fees paid by migrants and profiles of smuggled migrants. Each country-specific chapter includes a list of recommendations from national migration authorities and local non-governmental organizations, gathered by local researchers. At the end of the report there are recommendations from the International Organization for Migration (IOM) on countering smuggling of migrants, and recommendations from the regional State-civic round table on smuggling of migrants that was held in Almaty in March 2006 by the Central Asia Partnership Group.

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=24&products_id=142

International Organization for Migration. *Country Profiles*.

These Country Profiles provide a means of identifying information gaps and developing strategies to enhance data collection and data sharing through the analysis of information and data available on immigration, emigration, irregular migration, labour market conditions, skills shortages, diasporas, remittances, refugees, asylum-seekers, victims of trafficking, return migration, policies associated with these, and so on.

Recognizing the importance of the Country Profiles, IOM Budapest developed the “Black Sea Consultative Process on Migration Management”, which was implemented jointly with the Organization of the Black Sea Economic Cooperation, based in Istanbul, and the IOM Geneva Research and Publication Units.

As part of this project, IOM has released several Country Profiles, including:

- *Migration in Albania: A Country Profile 2008*
- *Migration in Armenia: A Country Profile 2008*
- *Migration in Bulgaria: A Country Profile 2008*
- *Migration in Georgia: A Country Profile 2008*
- *Migration in Greece: A Country Profile 2008*
- *Migration in Moldova: A Country Profile 2008*
- *Migration in Romania: A Country Profile 2008*
- *Migration in Serbia: A Country Profile 2008*
- *Migration in Turkey: A Country Profile 2008*
- *Migration in Ukraine: A Country Profile 2008*
- *Migration in the Russian Federation: A Country Profile 2008*

<http://publications.iom.int/bookstore/>

International Organization for Migration. *In Pursuit of the Southern Dream: Victims of Necessity—Assessment of the irregular movement of men from East Africa and the Horn to South Africa*. Geneva, 2009.

The East and Horn of Africa have been characterized by migrants fleeing conflict, poverty and natural disasters and searching for opportunities to improve their lives. Most of the migrants from this region move from Ethiopia and Somalia towards either Europe or southern Africa. Prompted by the 2010 World Cup in South Africa, this study assesses and profiles human trafficking and smuggling of migrants towards South Africa for the purposes of employment and exploitation of cheap labour.

The report, which covers seven countries, documents the abuse and exploitation involved in the smuggling of male migrants from the East and Horn of Africa to South Africa. The report also looks at methods of recruitment, modes of transportation and corruption among government officials who collude with the smugglers. The magnitude of the migration through the eastern corridor of Africa towards the south is estimated by the author to be about 17,000 to 20,000 men per year, earning the smuggling business an estimated US\$ 34 to 40 million.

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=7&products_id=507

International Organization for Migration. *Irregular Migration and Smuggling of Migrants from Armenia*. Geneva, 2002.

This study focuses on illegal or irregular migration and smuggling of migrants from Armenia. It aims to provide a comprehensive picture of irregular migration in Armenia in order to lay a sound basis for policy and programme intervention. Chapter 1 provides an introduction and background to the study, including the definition of smuggling of migrants used in the study and the research methodology; chapter 2 looks at the nature and incidence of the problem in Armenia; chapter 3 gives a brief description of transit migration in Armenia; chapter 4 outlines and analyses the legislation in place to combat the smuggling of migrants in Armenia; and the concluding chapter provides recommendations on dealing with the issue.

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=7&products_id=410

International Organization for Migration. *Irregular Migration in Turkey*. Geneva, 2003.

Turkey has always been a key junction for many types of migratory movements, whether by land or sea. During the last few decades, millions of Turkish migrant workers have left their country to work abroad, but Turkey itself has recently become a destination country for labour migration and a major transit country for west-bound irregular migration.

This increasing illegal transit migration poses growing challenges to the Turkish Government. This report is based on a wide range of materials gathered from transit migrants themselves, from Turkish migration authorities and, uniquely, from the people involved in smuggling of migrants. It gives information on the realities and motivations of migrants and on the illegal

smuggling of migrants business. It also discusses the need for continuing migration policy development in cooperation with Western European countries.

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=17_20&products_id=230

International Organization for Migration. *Migrant Trafficking and Human Smuggling in Europe: Review of the Evidence with Case Studies from Hungary, Poland and Ukraine*. Geneva, 2000.

Trafficking in migrants has become a global problem that affects diverse countries of origin, transit and destination, and their international relations, security and economies. This book reviews literature on human trafficking and smuggling in Europe. It includes a discussion of the concepts, definition and international agreements and conventions dealing with human trafficking and smuggling. The second part presents case studies on Hungary, Poland and Ukraine, and includes interviews with migrants and agencies working to combat human trafficking and smuggling.

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=19&products_id=288

International Organization for Migration. *Migration, Human Smuggling and Trafficking from Nigeria to Europe*. Geneva, 2006.

Migration from Nigeria to Europe has attracted considerable attention from both Governments and the media. This is partly because some elements of this migration flow are related to trafficking in persons and other criminal activities, and also because Nigerians now form a considerable proportion of sub-Saharan African asylum-seekers in Europe.

There are several hundreds of thousands of Nigerians in Europe, half of whom live in the United Kingdom. Italy is host to the second largest group of Nigerians and is the foremost destination for persons trafficked from Nigeria.

Existing research and documentation on Nigerians in Europe concentrates on prostitution, trafficking and other criminal activities; the great majority of Nigerian immigrants living in Europe without any involvement in such activities are not included in such studies.

http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=17_20&products_id=131

Mexican Migration Project

The Mexican Migration Project (MMP) was created in 1982 by an interdisciplinary team of researchers to further our understanding of the complex process of Mexican migration to the United States of America. The project is a joint research effort between the two countries and is co-directed by Jorge Durand, Professor of Social Anthropology at the University of Guadalajara (Mexico), and Douglas S. Massey, Professor of Sociology and Public Affairs at Princeton University (United States).

Since its inception, the main focus of MMP has been to gather social and economic information on Mexican-United States migration. The data collected has been compiled in a comprehensive database that is available to the public free of charge for research and educational purposes.

Aims and scope of the project:

- To gather and maintain high-quality data on the characteristics and behaviour of documented and undocumented Mexican migrants to the United States
- To make the collected data available to the public for research and educational purposes, while maintaining the confidentiality of respondents
- To continue to investigate the evolving nature of transnational migration between Mexico and the United States

More information is available from <http://mmp.opr.princeton.edu>.

Organization for Economic Cooperation and Development

Organization for Economic Cooperation and Development. *International Migration Outlook*. Paris, 2009.

The Organization for Economic Cooperation and Development (OECD) analyses recent developments in migration movements and policies. Its *International Migration Outlook* focuses on the economic and social aspects of migration.

The 2009 edition of the *International Migration Outlook* focuses in particular on the impact of the economic crisis on migration flows and policy responses.

It is available from www.oecd.org/els/migration/imo.

Pacific Immigration Directors' Conference

People Smuggling, Human Trafficking and Illegal Migration Report (Pacific Immigration Directors' Conference, Suva)

This Pacific Immigration Directors' Conference (PIDC) report is based on survey responses from the 23 PIDC member States. It presents the clearest picture of issues concerning the movement of people in the Pacific Island region, including trafficking in persons. The report also addresses the trafficking response and highlights that only about half of PIDC members have appropriate human trafficking legislation in place.

The report is available to members only from www.pidcsec.org.

United Nations

Regional Thematic Working Group on International Migration including Human Trafficking. *Situation Report on International Migration in East and South-East Asia*. Bangkok, 2008.

The Regional Thematic Working Group on International Migration including Human Trafficking was established in 2005, under the auspices of the Regional Coordination Mechanism of the United Nations. The members of the Group include 16 regional offices of United Nations agencies, programmes and relevant intergovernmental organizations in the Asia-Pacific region. It is currently co-chaired by the Economic and Social Commission for Asia and the Pacific (ESCAP) and the International Organization for Migration (IOM).

This report covers migration dynamics in East and South-East Asia and is a collaborative effort by all the organizations that participate in the Regional Thematic Working Group, the aim of which is to explore the complex interlinkages between international migration and the process of economic, demographic and social development within the region. As such, the report aspires to be a tool both for migration policy formulation and for fostering understanding of social and cultural interaction. It is also hoped that the findings of this report will support public dialogue that will, in the long term, lead to a process of developing coherent and coordinated migration policies. The report suggests key areas in which there is scope for greater regional and subregional cooperation to improve the management of migration and enhance migration's positive impacts on the source and host countries and the migrants themselves.

www.iom-seasia.org/resource/pdf/iomsituationreport.pdf

United Nations, Department of Economic and Social Affairs, Population Division. *International Migration Report 2006: A Global Assessment*. New York, 2009.

This is the second in a series that presents information on international migration levels and policies as well as other related indicators for major areas, regions and countries of the world.

The *International Migration Report 2006* consists of three major parts. The first part discusses major trends in the international migrant stock and international migration policies since the 1990s and includes an overview of major legal instruments on international migration and their ratification status. The second part includes the resolutions on international migration and development adopted by the General Assembly in 2003, 2004 and 2005, as well as the corresponding reports of the Secretary-General on international migration and development. The third part presents international migration profiles at the global level as well as for all major areas and regions, special country groupings and individual countries. The profiles include information on population estimates and projections, the international migrant stock, net migration flows, refugees, remittances, Government views and policies relating to immigration and emigration levels, and the ratification status of relevant international instruments.

www.un.org/esa/population/publications/2006_MigrationRep/report.htm

United Nations Global Migration Database

This database is a promising example of an international effort to assess the global migration situation. It is a comprehensive collection of empirical data on the number of international migrants by country of birth and citizenship, sex and age, as derived from population censuses, population registers, nationally representative surveys and other official statistical sources from more than 200 countries and territories in the world.

The database addresses key policy questions that have remained unanswered so far, including:

- What are the main countries of origin of international migrants?
- What is the sex and age distribution of international migrants?
- What changes have taken place in the international migrant stock over time for particular countries of origin or age groups?

In addition, the database allows for the quantification and monitoring of vulnerable groups in need of special protection, such as migrant women and children, and stateless persons. The database is accessible to registered users at <http://esa.un.org/unmigration>.

United Nations Office on Drugs and Crime. *Crime facilitating migration from Pakistan and Afghanistan*.

Migration from Afghanistan and Pakistan has received significant attention from a number of observers with a variety of perspectives. This assessment adds value by investigating the crimes and criminal networks that facilitate migration, with a focus on smuggling of migrants rather than human trafficking.

The assessment is the result of collaboration between the United Nations Office on Drugs and Crime (UNODC) offices in Afghanistan and Pakistan. It contains primary research, which is backed up by a non-exhaustive literature review. In total, the research team interviewed 166 people, mostly in Afghanistan and Pakistan but also in the United Kingdom, Australia and the United Arab Emirates. Interviewees included serving and former Government officials, representatives of international organizations and non-governmental organizations, migrants, migrants' families, community leaders and criminals offering services to migrants.

This report is currently being prepared. For more information, visit the website of the UNODC Country Office in Pakistan at www.unodc.org/pakistan/en/contact_information.html.

United Nations Office on Drugs and Crime, Regional Office for South Asia. *Smuggling of Migrants from India to Europe and in particular to the UK: A Study on Tamil Nadu*. New Delhi, 2009.

The main aim of this report is to attempt to assess the current extent and nature of irregular migration from Tamil Nadu, with the objective of improving evidence-based knowledge on the profile of the migrants, the modus operandi of the agents, the countries to which migration is destined and the Government response to irregular migration. Furthermore, it makes recommendations aimed at controlling this phenomenon and raise awareness of the problems, as well as strengthening the capacities of law enforcement authorities.

The study was based on law enforcement authority records, discussions with officials and public representatives, extensive field visits in the districts of Tanjavur, Thiruvarur, Pudukkottai and Namakkal and interviews with a large number of respondents, mostly neighbours of irregular migrants, deportees and the family members of such deportees, and travel agents. These four districts were chosen because of the large number of cases of irregular migration that are reported from here.

A number of recommendations are put forward in the report on a framework for future UNODC technical assistance initiatives on combating irregular migration from this region.

www.unodc.org/documents/human-trafficking/Smuggling_of_Migrants_from_India.pdf

Miscellaneous literature

Antonopoulos, Georgios A., and John Winterdyk. The Smuggling of Migrants in Greece: An Examination of its Social Organization. *European Journal of Criminology*, vol. 3, No. 4 (2006).

<http://euc.sagepub.com/cgi/content/abstract/3/4/439>

Düvell, Franck. Crossing the fringes of Europe: Transit migration in the EU's neighbourhood, Working Paper No. 33. Oxford: University of Oxford, Centre on Migration, Policy and Society, 2006.

It has been observed that migrants often cross several countries before reaching their final destination in Europe, this phenomenon is called transit migration. Migrants are increasingly risking their lives when moving in this way. Because of fear over illegal immigration and for humanitarian reasons, transit migration has become a public and policy concern. This paper looks at the emergence of the concept and surveys some empirical studies. It examines the discursive use of the idea, its politicized character and blurred nature, and highlights some methodological difficulties in studying transit migration. Lastly, it raises some human rights and policy implications.

www.compas.ox.ac.uk/fileadmin/files/pdfs/WP0633-Duvell.pdf

Içduygu, Ahmet. Transborder Crime between Turkey and Greece: Human Smuggling and its Regional Consequences. *Southeast European and Black Sea Studies*, vol. 4, No. 2 (May 2004), pp. 294-314.

home.ku.edu.tr/~aicduygu/article%204.pdf

Salt, John. *Current Trends in International Migration in Europe*. Strasbourg: Council of Europe, 2006.

www.coe.int/t/dg3/migration/Documentation/Migration%20management/2005_Salt_report_en.pdf

4.3 Guidance for conducting rapid needs assessments in conflict and post-conflict areas

The collapse of statecraft and rule of law during and after an armed conflict in a country or region exposes the population to a high risk of forced migration and of falling prey to migrant smugglers.

Armed conflicts lead to an increased demand for movement for several reasons: the absence of governmental protection mechanisms increases criminality and asymmetric security threats; the destruction of traditional and regulated economies promotes the increase of new unregulated and illegal markets; and the undermining of social order and structures generates vulnerable groups including orphans, internally displaced persons and refugees.

Some of the key questions that could be asked in such situations are the following:

- Are there mechanisms to monitor the informal markets that have emerged as a result of the conflict or the post-conflict situation?
- Are peacekeeping personnel aware of the issue of the smuggling of migrants?
- Are support and assistance structures available for vulnerable groups, including refugees, internally displaced persons and children?
- Are international or regional actors in place to provide humanitarian aid and assistance for civilians affected by the armed conflict?
- Do such actors monitor and document different forms of human rights violations in the conflict area?
- Are they informed about the crime of smuggling of migrants?
- Do specialized tools exist that enable humanitarian aid providers to document cases of smuggling of migrants?

Recommended resources

Inter-Agency Standing Committee

The Inter-Agency Standing Committee (IASC) is a unique inter-agency forum for coordination, policy development and decision-making that involves the key United Nations and non-United Nations humanitarian partners. IASC was established in June 1992 in response to United Nations General Assembly resolution 46/182, on the strengthening of humanitarian assistance. General Assembly resolution 48/57 affirmed its role as the primary mechanism for inter-agency coordination of humanitarian assistance.

Under the leadership of the Emergency Relief Coordinator, IASC develops humanitarian policies, agrees on a clear division of responsibility for the various aspects of humanitarian assistance, identifies and addresses gaps in response, and advocates for effective application of humanitarian principles. Together with the Executive Committee for Humanitarian Affairs, IASC forms the key strategic coordination mechanism for major humanitarian actors.

IASC has produced several publications relevant to the smuggling of migrants, including *Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster* (2008).

www.humanitarianinfo.org/iasc

International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is a neutral and independent organization whose humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

www.icrc.org

Médecins Sans Frontières

Médecins Sans Frontières (MSF) is an international, independent medical humanitarian organization that delivers emergency aid and medical assistance to people affected by armed conflict, epidemics, health-care exclusion and natural or man-made disasters.

In countries where health structures are insufficient or even non-existent, MSF collaborates with authorities to provide assistance. It provides rehabilitation and dispensaries, vaccination programmes, and water and sanitation projects. It also works in remote health-care centres and slum areas and provides training for local personnel. All this is done with the objective of rebuilding health structures to acceptable levels.

www.msf.org

Office of the United Nations High Commissioner for Refugees

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on 14 December 1950 by the United Nations General Assembly. The Office is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek

asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or resettle in a third country.

www.unhcr.org

United Nations Office on Drugs and Crime. *Needs assessment toolkit on the criminal justice response to human trafficking*.

A Toolkit that is aimed at providing comprehensive guidance for assessing the criminal justice response to trafficking in persons in a given State. It consists of a standardized and cross-referenced set of tools designed to enable experts from international organizations, non-governmental organizations, national development agencies and other government entities, as well as relevant institutions, to conduct a comprehensive or specific assessment of selected aspects of a country's criminal justice response to trafficking in persons. It covers various assessment topics, including rapid needs assessments in conflict and post-conflict areas.

This Toolkit is currently being prepared. For more information, visit www.unodc.org or contact ahtmsu@unodc.org.

United Nations Office on Drugs and Crime and Department of Peacekeeping Operations of the United Nations. *United Nations Criminal Justice Standards for United Nations Police*. New York, 2009.

This handbook summarizes the international human rights and criminal justice principles that United Nations police personnel must know, abide by and promote when deployed in peacekeeping operations and special political missions. As such, it is designed to serve a dual purpose: firstly, it is a code of conduct for police operating under the United Nations flag; secondly, it is a reference source to help national authorities improve their policing.

www.unodc.org/documents/justice-and-prison-reform/08-58900_Ebook.pdf

4.4 Guidance for conducting assessments of the national response

The following are examples of questions that can be asked when conducting assessments of the national response to the smuggling of migrants.

Policies and coordination at the national level

- Is there a national mechanism ensuring coordination/cooperation among the national actors dealing with the smuggling of migrants?
- What measures are taken to ensure coordination/cooperation between intelligence services and law enforcement agencies?
- Is there a national policy (such as a national action plan) that guides action against the smuggling of migrants?
- Who is responsible for policy development?

Effectiveness of the State's capacities to counter the smuggling of migrants

Investigation, prosecution and conviction

- Are trafficking in persons and smuggling of migrants cases investigated and recorded separately?
- Do the criminal investigation units that are in charge of investigating smuggling of migrants have adequate capacities (staff and equipment)?
- What techniques are used in investigating the smuggling of migrants?
- Are there official statistics on investigations, prosecutions and convictions with regard to the smuggling of migrants?
- How many smuggling of migrants cases are being or have been investigated?
- How many persons are being/have been prosecuted?
- How many convictions have been made?
- What penalties have been applied?
 - If custodial sentences have been applied, what length of time has been served by the prisoners in question?
 - Have proceeds from criminal activity been confiscated?
- Are repatriated migrants and/or detected illegal migrants questioned about the involvement and modus operandi of organized crime groups in migration networks so that members of such groups can be prosecuted?
- Does the country have a witness protection programme to ensure the safety of witnesses and their loved ones, including when giving evidence in criminal proceedings?
 - If yes, does this witness protection programme also apply for smuggled migrants?

- What are the main impediments to effective investigation, prosecution, and conviction?

Corruption

- What measures are being taken to prevent, detect and punish corruption among law enforcement, border control and immigration authorities?

Travel and identity documents

- What measures have been taken to prevent and detect the use of fraudulent travel and identity documents (including unlawful creation and issuing)?
- What mechanisms are in place to verify the legitimacy and validity of travel and identity documents issued by the country itself or by a third country?

Border control

- What measures have been taken to secure the blue and green borders, including at airports, and to prevent and detect the smuggling of migrants?
- What measures have been taken to prevent and detect smuggling of migrants by sea?
- What measures have been taken to prevent criminal groups from acquiring vessels?
- What are the main barriers to more effective control of land, sea and air borders and the detection of smuggling of migrants?
 - Lack of human resources? Inadequate equipment? Other factors (geographical and topographical factors, corruption, etc.)?

Commercial carriers

- What measures have been taken to prevent means of transport operated by commercial carriers from being used to smuggle migrants?
- Are commercial carriers obliged to ascertain that all passengers are in possession of the travel documents required for entry into a receiving State?

Data collection, intelligence and sharing of information

- Are there official data on smuggling of migrants (routes, who is smuggled, involvement of organized crime, modus operandi, etc.)?
- Is systematic collection of data in place?
 - What national institutions gather information on illegal migration and smuggling of migrants?
- Do the national institutions that have such information share it with each other and with other institutions?
- Which institutions are involved in such information-sharing?
- What measures are taken to share information?
- Is there a centralized database to store and analyse intelligence on smuggling of migrants?
- Are there any research activities on the subject?
- What are the major impediments to effectively collecting and analysing information?

Prevention

- Is there any public discussion on the risks associated with illegal migration and, in particular, smuggling of migrants, and on the fact that smuggling of migrants is a criminal activity?
- Have there been any campaigns to increase awareness among relevant authorities and/or the general public of the fact that smuggling of migrants is a criminal activity that poses serious risk to the migrants?
 - If yes, who carried them out, who was targeted and what was done?

Training

- Has there been any training on issues related to smuggling of migrants for criminal justice practitioners (law enforcers, prosecutors and the judiciary) and border control authorities?
 - If so, what national agencies have been involved?
- Is such training part of the regular training curricula?
- What topics are addressed as part of the training?
 - Recognizing fraudulent travel and identity documents?
 - Gathering criminal intelligence on modus operandi?
 - Detecting smuggled persons?
 - Using international cooperation?

Support for migrants

- What happens to a detected or repatriated migrant?
- What measures are taken if an illegal migrant is detected in the country?
- What measures are taken when receiving a repatriated migrant back into the country?
- What measures are taken to facilitate the return of smuggled migrants?
- With what countries does the country have repatriation agreements? When did they enter into force?

International coordination and cooperation

Information exchange

- Does the country exchange information on illegal migration and smuggling of migrants with other countries and international actors?
- Which institutions are involved in such information exchange?
- What kind of information is exchanged?
 - Routes?
 - Identity and methods of the criminal actors involved?
 - Authenticity and proper form of travel documents?
 - Means and methods of concealment, transportation and abuse of documents?
 - Legislative experience and best practices?

- How and through which institutions does the information exchange with third countries function?
- Is such information exchange based on international and/or bilateral agreements and/or informal contacts?
- What major impediments can there be to information exchange with other countries and international actors?

Mutual legal assistance in investigations, prosecutions and judicial proceedings

- Does the country cooperate with other countries with regard to mutual legal assistance?
 - If so, which countries are involved and is such cooperation efficient?
- Are measures in place to respond to mutual legal assistance requests by other countries?
- Is mutual legal assistance cooperation based on international and/or bilateral agreements and/or informal contacts?

Other forms of cooperation in investigations, prosecutions and judicial proceedings

- Does the country conduct joint investigations with other countries?
 - Is such cooperation based on international and/or bilateral agreements and/or informal contacts?
- Does the country cooperate with other countries with regard to extradition?
 - Is such cooperation based on international and/or bilateral agreements and/or informal contacts?
- Does the country cooperate with other countries for the purpose of confiscating proceeds from criminal activities related to the smuggling of migrants?
 - Is such cooperation based on international and/or bilateral agreements and/or informal contacts?

Border control

- With which States and with which of their institutions does the country cooperate to secure green and blue borders?
- What are the measures that have been taken in cooperation with other States to secure blue and green borders, including at airports, in order to prevent illegal migration and the smuggling of migrants?

Documents

- What mechanisms are in place to verify the legitimacy and validity of travel and identity documents issued by the country itself or by a third country?

Technical assistance and other forms of cooperation

- Do other countries provide the country with technical assistance (expertise and equipment)?

- If yes, what kind of technical assistance is provided, what national institutions receive it and what countries provide it?
- Is the country involved in any other international or bilateral agreements, regional action plans or other international initiatives with regard to illegal migration and smuggling of migrants?

Source: UNODC.

Promising practices

Council of Europe. *Policies on irregular migrants—Volume I: Italy and Germany*. Strasbourg, 2008.

The insecurity faced by irregular migrants on a daily basis because of the unlawfulness of their residence prompted the European Committee on Migration to assess their situation in Council of Europe member States. The aims of the exercise were to pool and evaluate national experiences and to draw up possible proposals for dealing with irregular migrants and improving cooperation between countries of origin and host countries.

Five countries volunteered (Armenia, Germany, Greece, Italy and the Russian Federation) and submitted aspects of their national policies on irregular migrants for evaluation.

The first volume contains a summary chapter (objectives, methodology, lessons to be drawn, etc.) and the national reports of Italy and Germany.

http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2318

Transcrime. *Trafficking and Smuggling of Migrants into Italy*. Milan, 2003.

This report identifies ways to improve:

- Judicial responses to trafficking in persons and smuggling of migrants
- International cooperation among law enforcement agencies and judiciaries to dismantle criminal organizations involved in human trafficking and smuggling
- Preventing trafficking in persons and smuggling of migrants by acquiring knowledge about criminal organizations and their modus operandi
- Actions for the social protection of victims of trafficking and smuggled migrants

<http://transcrime.cs.unitn.it/tc/422.php>

Recommended resources

More assessments of the situation of smuggling of migrants can be found at the following sites (see below).

International Organization for Migration

www.iom.int

United Nations Office on Drugs and Crime

www.unodc.org/unodc/en/human-trafficking/publications.html?ref=menu

4.5 Guidance on conducting legal framework assessments

Legislation and legal procedures and practices vary widely among States. In some States, existing laws on labour, migration and organized crime may not have been harmonized with more recent laws or treaty obligations on combating the smuggling of migrants. Furthermore, legislation may be required to increase victim protection measures or to prevent trafficking.

When it comes to smuggling of migrants, a broad and comprehensive assessment of the national legal framework is usually required that covers criminal law, labour law, social services, employment laws and immigration and asylum laws, as well as investigative, criminal and judicial procedures.

The following are examples of questions to be asked when conducting an assessment of legal frameworks with respect to the smuggling of migrants:

- Has the country ratified the United Nations Convention against Transnational Organized Crime and the Protocol against the Smuggling of Migrants by Land, Sea and Air?
- Is participating in an organized criminal group criminalized under the country's legislation?
 - If yes, please provide copies of the relevant legislation and indicate when it came into force.

The following questions also serve to gather information to form the basis of a more thorough desk analysis of the compliance of domestic legislation with the Smuggling of Migrants Protocol.

- Is smuggling of migrants criminalized in the country's domestic legislation?
 - If yes, please provide copies of the relevant legislation and indicate when it came into force.
- Is smuggling of migrants defined as a criminal offence in accordance with article 3, subparagraph (a), of the Smuggling of Migrants Protocol (“Smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”)?
- Does domestic legislation make a distinction between smuggling of migrants and trafficking in persons, as defined in article 3, subparagraph (a) of the Trafficking in Persons Protocol (“Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose

of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”)?

- Are there any further laws or legal documents that specifically address smuggling of migrants?
 - If yes, please provide copies and indicate when the legislation came into force.
- What other existing legislation can be used in smuggling of migrants cases?
- Are there any difficulties hampering the adoption of adequate national legislation?

Source: UNODC.

Promising practices

International Organization for Migration. *Comparative Analysis of International Instruments and Macedonian Legislation on Counter-Trafficking and Illegal Migration*. Skopje, 2007.

This trilingual study compares the domestic legislation of Macedonia with the Trafficking in Persons and Smuggling of Migrants Protocols and assesses the compliance of Macedonian legislation with international instruments in areas of investigation and prosecution, protection, and prevention. It offers recommendations for amending Macedonian legislation in order to achieve greater compliance with international instruments.

The full report is available from www.iom.hu/PDFs/TEMIS%20Analysis.pdf.

United Nations Office on Drugs and Crime. *Assessment of the legal system in Viet Nam*. Hanoi, 2004.

A group of legal experts in the Department for Criminal and Administrative Laws of the Ministry of Justice of Viet Nam conducted an assessment of the Vietnamese legal system in relation to the Trafficking in Persons and Smuggling of Migrants Protocols. This assessment was undertaken in collaboration with the United Nations Children’s Fund (UNICEF). It assesses Vietnamese domestic law in relation to the Protocols and makes recommendations to bring it further into line with international law.

The full report is available from www.unodc.org/documents/eastasiaandpacific//Publications/vietnam/legal_system_vietnam_2004-05.pdf.

4.6 Guidance for conducting criminal justice system assessments

The development and implementation of measures to strengthen a country's criminal justice response must be well targeted and based on a proper assessment in order to ensure that a country's needs are met in a way that:

- Prioritizes those measures that address the most urgent needs
- Ensures the best use of the available resources
- Fosters synergies where possible, while avoiding duplication of work

During the initial stage of an assessment process, the organization or individual acting as the assessor has to decide on the specific purpose and outline of the assessment. This is followed by a preparatory desk review, an analysis of the relevant stakeholders and the identification of a contact point in the State in question. The following factors need to be determined:

- The number of stakeholders to be interviewed by the assessor
- The grade of data analysis
- The structure of the assessment report
- The number of assessment missions to the State in question
- The timeframe of the overall project

Preparatory desk review

The preparatory desk review will be carried out by the assessor prior to the assessment missions. During this phase, existing data and information on the State in question will be evaluated in accordance with the overall purpose of the project. In order to come to reliable conclusions during an assessment, the quality and reliability of the information has to be analysed. While media and anecdotal reports should be taken into account during the assessment process, they should not be used in place of quantitative and qualitative data from reliable sources.

Below are examples of the types of questions that need to be asked when carrying out a needs assessment of criminal justice capacities to combat the smuggling of migrants.

National actors

- Which Government offices and national institutions deal with illegal migration?
 - What are their respective roles?
- What are the main law enforcement actors in the country?
- Which institutions are in charge of investigating organized crime?

- Which Government offices and national institutions (including ministries, intelligence services, border guards, police, prosecution and the judiciary) deal with the smuggling of migrants?
 - What are their respective roles?
- Which institutions are responsible for investigating the smuggling of migrants?
- Is there a special unit to investigate cases of smuggling of migrants?
- Are there specialized prosecutors for cases of smuggling of migrants?
- Which institutions are responsible for securing blue and green borders, including at airports?
 - What are their respective mandates?

Non-State and international actors

- What non-governmental organizations, international organizations and other partners work on issues related to the smuggling of migrants in the country?
- What issues do they address?

Legal and regulatory framework

- Does the country's legal framework address all elements of the crime of smuggling of migrants, as set forth in the Smuggling of Migrants Protocol? (See subsections 3.3 and 5.2.)
- Does the country's legal framework cover all the relevant areas for preventing and prosecuting the crime of smuggling of migrants and for protecting smuggled migrants?

Investigations and court proceedings

- What is the number of investigations, prosecutions and convictions for crimes related to the smuggling of migrants in the country?
- Are there specialized law enforcement units to investigate the crime of smuggling of migrants?
- Do mechanisms such as regular training and capacity-building exist so that there is a profound understanding of the complexity of the crime in every law enforcement unit?
- Are there mechanisms in place encouraging cooperation between law enforcement officers, prosecutors and judges on cases involving smuggling of migrants?

Harmonizing the protection of smuggled migrants with the prosecution of smugglers: cooperation agreements between civil society and the State

- Are there formalized cooperation agreements between law enforcement agencies and non-governmental service providers that enable presumed smuggled migrants to be referred to protection and support structures?
- Do existing mechanisms enable illegal immigrants to have access to support and

protection structures, irrespective of whether they are cooperating or not with criminal justice authorities?

- Are procedures in place to ensure that asylum-seekers are able to have access to support and protection structures, irrespective of their immigration status or cooperation with criminal justice authorities?

Support and assistance structures

- Is there transparent access to support and assistance structures for smuggled migrants?
- Are existing intervention mechanisms and structures in place, including for unaccompanied children and asylum-seekers?

Return structures

- Are there comprehensive and accessible procedures and mechanisms in place to ensure the safe return of smuggled migrants to their country of nationality or permanent residence?

National coordination mechanisms: monitoring, evaluation and policy formulation

- Is there a mechanism in place at the national level that monitors, evaluates and coordinates an overall strategy to combat the smuggling of migrants?
 - If so, is that mechanism based on the multidisciplinary participation of all relevant stakeholders, including civil society, employers and trade unions?

International cooperation

- Is the country party to extradition and mutual legal assistance treaties?
- Do existing bilateral and multilateral agreements form an overall strategy to combat the smuggling of migrants that includes assisting and protecting smuggled migrants, prosecuting perpetrators, and measures to prevent the smuggling of migrants?
- Is there a regular assessment of existing transnational cooperation agreements between judicial and law enforcement authorities?

Prevention

- Are criminal justice agencies involved in specialized prevention programmes?
- Are there social and economic programmes in place to counteract exploitative labour conditions?
- Are specialized research institutions working to develop understanding of and research into the root causes of the smuggling of migrants?

Recommended resources

McGarry, Peggy and Becki Ney. *Getting it Right: Collaborative Problem Solving for Criminal Justice*. Washington, D.C.: United States Department of Justice, National Institute of Corrections, 2006.

Although the tools contained in this guide are intended for use in the United States, resources can be drawn from it and adapted for other criminal justice systems. Section four focuses on building understanding of the criminal justice system. The six chapters in this section concern:

- Obtaining necessary information
- Planning the system assessment
- Mapping the system
- Documenting and assessing current policies and practices
- Gathering information on offenders
- Documenting and assessing available resources

Additionally, the guide provides sample exercises, strategies, checklists, questionnaires and task lists.

The guide is available from <http://nicic.org/Library/019834>.

United Nations Office on Drugs and Crime. *Criminal Justice Assessment Toolkit*. New York, 2006.

This practical guide assists in the assessment of criminal justice systems and the integration of United Nations crime prevention and criminal justice norms and standards into national criminal justice systems, as well as in training on these issues.

It is designed to be used in countries with simple or complex institutions or processes, and will be particularly useful for countries undergoing transition or reconstruction. The Toolkit is useful for both legal experts and assessors who may be conducting assessments in areas other than criminal justice.

The tools have been grouped into criminal justice sectors (see below).

Policing

- Public safety and police service delivery
- Integrity and accountability of the police
- Crime investigation
- Police information and intelligence systems

Access to justice

- Courts
- Independence, impartiality and integrity of the judiciary

- Prosecution service
- Legal defence and legal aid

Custodial and non-custodial measures

- Prison system
- Detention prior to adjudication
- Alternatives to incarceration
- Social reintegration
- Cross-cutting issues
- Criminal justice information
- Juvenile justice
- Victims and witnesses
- International cooperation
- Crime prevention assessment tool

The Toolkit (updated on an ongoing basis) is available in hard copy and electronically from www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html.

United Nations Office on Drugs and Crime. *Needs assessment toolkit on the criminal justice response to human trafficking*.

This resource complements the UNODC Criminal Justice Assessment Toolkit (above) as it covers aspects that need to be taken into consideration in criminal justice responses to trafficking in persons.

The development and implementation of measures to strengthen a country's criminal justice response must be based on a proper assessment in order to ensure that a country's needs are met in a way that prioritizes measures addressing the most urgent needs, ensures the best use of available resources and fosters synergies where possible, without duplicating work.

The aim of the Toolkit is to provide comprehensive guidance for assessing the criminal justice response to trafficking in persons in a given State.

It consists of a standardized and cross-referenced set of tools designed to enable experts from international organizations, non-governmental organizations, national development agencies and other governmental entities, and relevant institutions, to conduct a comprehensive or specific assessment of selected aspects of a country's criminal justice response to trafficking in persons. This includes:

- Identifying gaps in the existing criminal justice response to trafficking in persons
- Facilitating the formulation and development of technical assistance projects that adequately respond to the gaps and needs identified
- Facilitating the development of indicators for evaluating the impact of technical assistance projects

Assessment topics covered by the Toolkit include:

- Methodology for conducting assessments
- Legal and regulatory framework
- Investigations and court proceedings in cases of trafficking in persons
- Identification of persons presumed to have been trafficked
- Harmonizing protection of trafficked persons with prosecution of traffickers through cooperation agreements between representatives of civil society and the State
- Support and assistance structures for persons presumed to have been trafficked
- Social inclusion of persons presumed to have been trafficked in origin, destination or third countries
- National coordination mechanisms for policy formulation, monitoring and evaluation
- International cooperation
- Prevention
- Rapid needs assessments in conflict and post-conflict areas (see subsection 4.3)

The Toolkit is currently being prepared. For more information, visit www.unodc.org or contact ahtmsu@unodc.org.

Strategy development

4.7 Guiding principles in developing responses to the smuggling of migrants

Law enforcement measures alone cannot prevent the smuggling of migrants. If not combined with a holistic approach, increased border controls may simply have the result of diverting the routes used to smuggle migrants elsewhere and increasing the demand for higher-risk services. If migrants are simply returned to their countries of nationality or residence without consideration for the underlying causes that made them decide to migrate, they may simply attempt to migrate again—perhaps under more dangerous conditions than those endured before. There are important push and pull factors that can cause a person to become a smuggled migrant; all of them must be addressed in a comprehensive way, based upon a multidimensional partnership involving States, civil society, academia, the media, State institutions and international organizations.

The Global Commission on International Migration (GCIM) was launched by the Secretary-General of the United Nations and a number of Governments in December 2003 and it closed in December 2005. It was an independent entity comprising 19 Commissioners and its mandate was to provide the framework for the formulation of a coherent, comprehensive and global response to the issue of international migration.

The GCIM report, *Migration in an interconnected world: New directions for action*, was presented to the Secretary-General, United Nations Member States and other stakeholders in October 2005.

In its report, GCIM says that the international community has failed to recognize the full potential of migration and has not risen to the many opportunities and challenges it presents. It stresses the need for greater coherence, cooperation and capacity to achieve more effective governance of international migration. The report provides a comprehensive yet concise analysis of key global policy issues in the field of international migration, and presents six “Principles for Action” and 33 related recommendations that can serve as a guide for the formulation of migration policies at the national, regional and global levels.

The Principles for Action offer guidance to policymakers when drafting plans of action against irregular migration, including the smuggling of migrants. The six key Principles for Action offered by GCIM are as follows:

Principles for Action

I. Migrating out of choice: migration and the global economy

Women, men and children should be able to realize their potential, meet their needs, exercise their human rights and fulfil their aspirations in their country of origin, and hence migrate out of choice rather than necessity. Those women and men who migrate and enter the global labour

market should be able to do so in a safe and authorized manner, and because they and their skills are valued and needed by the States and societies that receive them.

II. Reinforcing economic and developmental impact

The role that migrants play in promoting development and poverty reduction in countries of origin, as well as the contribution they make towards the prosperity of destination countries, should be recognized and reinforced. International migration should become an integral part of national, regional and global strategies for economic growth, in both the developing and developed world.

III. Addressing irregular migration

States, exercising their sovereign right to determine who enters and remains on their territory should fulfil their responsibility and obligation to protect the rights of migrants and to readmit those citizens who wish or who are obliged to return to their country of origin. In stemming irregular migration, States should actively cooperate with one another, ensuring that their efforts do not jeopardize human rights, including the right of refugees to seek asylum. Governments should consult with employers, trade unions and civil society on this issue.

IV. Strengthening social cohesion through integration

Migrants and citizens of destination countries should respect their legal obligations and benefit from a mutual process of adaptation and integration that accommodates cultural diversity and fosters social cohesion. The integration process should be actively supported by local and national authorities, employers and members of civil society, and should be based on a commitment to non-discrimination and gender equity. It should also be informed by an objective public, political and media discourse on international migration.

V. Protecting the rights of migrants

The legal and normative framework affecting international migrants should be strengthened, implemented more effectively and applied in a non-discriminatory manner, so as to protect the human rights and labour standards that should be enjoyed by all migrant women and men. Respecting the provisions of this legal and normative framework, States and other stakeholders must address migration issues in a more consistent and coherent manner.

VI. Enhancing governance: coherence, capacity and cooperation

The governance of international migration should be enhanced by improved coherence and strengthened capacity at the national level; greater consultation and cooperation between States at the regional level; and more effective dialogue and cooperation among Governments and between international organizations at the global level. Such efforts must be based on a better appreciation of the close linkages that exist between international migration and development and other key policy issues, including trade, aid, state security, human security and human rights.

The GCIM recommendations on addressing irregular migration are as follows:

- States and other stakeholders should engage in an objective debate about the negative consequences and the prevention of irregular migration.
- Border control policies should form part of a long-term approach to the issue of irregular migration that addresses the socio-economic, governance and human rights

deficits that prompt people to leave their own country. This approach must be based on inter-State dialogue and cooperation.

- States should address the conditions that promote irregular migration by providing additional opportunities for regular migration and by taking action against employers who engage migrants with irregular status.
- States should resolve the situation of migrants with irregular status by means of return or regularization.
- States must strengthen their efforts to combat the distinct criminal phenomena of smuggling of migrants and human trafficking. In both cases, perpetrators must be prosecuted, the demand for exploitative services eradicated and appropriate protection and assistance provided to victims.
- In their efforts to stem irregular migration, States must respect their existing obligations under international law towards the human rights of migrants, the institution of asylum and the principles of refugee protection.

The full report is available from www.gcim.org/attachements/gcim-complete-report-2005.pdf.

Recommended resources

Migration Policy Institute

An independent, non-partisan, non-profit think tank dedicated to the movement of people worldwide.

www.migrationpolicy.org

Koser, Khalid. *Strengthening policy responses to migrant smuggling and human trafficking*, discussion paper for the Civil Society Days of the Global Forum on Migrant and Development. Geneva: Geneva Centre for Security Policy, 2008.

www.migrationanddevelopment.net/research-publications/strengthening-policy-responses-to-migrant-smuggling-and-human-trafficking/at_download/file

Thouez, Colleen. *The role of civil society in the migration policy debate*, *Global Migration Perspectives*, No. 12. Geneva: Global Commission on International Migration, 2004. Available from www.gcim.org/en/ir_gmp.html.

4.8 Developing a multiagency approach to intervention

Broad-based expertise is required to respond effectively to the smuggling of migrants and to address the multiple needs of smuggled migrants who are victims of crime. For this reason, it is essential that a multiagency approach be taken to any initiative so that the needs of victims are met and law enforcement measures are supported.

Multiagency collaboration is not easy—it takes time and effort for it to work effectively. A management and operational framework therefore needs to be agreed that can steer and manage any subsequent specific initiative or intervention. This may build on existing arrangements, where these exist.

Establishing such a framework involves:

- Identifying key contacts and agency representatives
- Establishing personal links between the various agency contacts
- Developing multiagency training
- Jointly assessing local priorities and developing strategies and action plans
- Initiating the sharing of intelligence and data
- Beginning work on protocols for joint work
- Agreeing on management structures and processes for further developing the multi-agency approach

Strong and effective leadership of multiagency partnerships is of critical importance to their success.

Responsibilities of multiagency groups

Multiagency groups must ensure that victims are supported while the law is enforced. Their responsibilities should include:

- Education and awareness-raising activities
- Ensuring that all relevant agencies and parties are informed and involved in decision-making and planning
- Joint training initiatives
- Developing appropriate working practice protocols
- Ensuring information exchange between statutory and non-governmental organizations
- Monitoring incidence rates and the impact of local initiatives
- Developing local strategies and action plans

Where children are involved, child protection services must play a role in coordinating multi-agency initiatives in a way that fits with strategic planning arrangements for children. It also may be appropriate for multiagency groups addressing gender-based violence to have active responsibilities in issues related to the smuggling of migrants.

Source: Adapted from the Crime Reduction Toolkit on Trafficking of People (United Kingdom Home Office), available from www.crimereduction.homeoffice.gov.uk/toolkits/tp00.htm.

Formalized cooperation mechanisms between law enforcement and non-governmental organizations

Cooperation agreements between State and non-State actors raise the rate of successful prosecution for the smuggling of migrants. Formalized protocols and memorandums of understanding between agencies provide a solid basis upon which to build this multiagency collaboration.

As a matter of best practice, formal protocols setting out the role and responsibilities of law enforcement agencies and relevant non-governmental organizations and governing the exchange of intelligence between them should be drawn up.

The safety of crime victims remains the ultimate responsibility of law enforcement officers and agreements should only be entered into with credible and secure support organizations that have the capacity to deliver victim services.

How such agreements should be worded depends upon local circumstances. However, the formalized protocols should include a general joint statement of purpose in relation to combating the smuggling of migrants and should set out the responsibilities of partners. At a minimum, a protocol should include:

- A declaration that the intelligence being retained and exchanged is in compliance with relevant data protection and confidentiality legislation
- The process and means through which intelligence will be exchanged. This may relate to a specific position within each organization or to a named individual
- A timetable of scheduled meetings, where appropriate
- The terms of the intelligence exchange, to include both personal data and thematic intelligence
- A description of the process that will be used to resolve difficulties and differences of interpretation
- A description of how the confidentiality of the personal data exchanged will be protected

Source: Adapted from the Crime Reduction Toolkit on Trafficking of People (United Kingdom Home Office), available from www.crimereduction.homeoffice.gov.uk/toolkits/tp00.htm.

Components of a memorandum of understanding

Partners

- Partners to the memorandum of understanding should be identified
- Cooperation is enhanced where partners (such as special cross-border crime units within the police and specialized non-governmental organizations) are identified

Defining purpose

- Basic principles and the purpose of cooperation should be clarified

Principles of cooperation

- A key principle is agreement on a joint approach to combating the smuggling of migrants

Target group

- Specifying the precise target group to benefit from the memorandum of understanding will contribute to successful referral of crime victims and/or traumatized smuggled migrants and victims of trafficking. (Criteria and means of identification of the latter can be based on the Trafficking in Persons Protocol.)

Communication of information

- Parties to the memorandum of understanding should agree to treat sensitive data as confidential

Entry into force and amendment of the memorandum of understanding

- The memorandum of understanding comes into effect when all relevant parties have signed it. Amendments should be made only if all relevant parties agree to them

Detailed definition of different responsibilities

- Defining the different responsibilities of all partners is part of the transparency of the cooperation between governmental and non-governmental organizations

Adapted from *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons* (Warsaw, Organization for Security and Cooperation in Europe, 2004), available from www.osce.org/publications/odihr/2004/05/12351_131_en.pdf.

Recommended resources

Planitzer, Julia. *Guiding Principles on Memoranda of Understanding Between Key Stakeholders and Law Enforcement Agencies on Counter-Trafficking Cooperation*. Vienna: International Organization for Migration, 2009.

Although this resource is aimed at strengthening the multiagency response to human trafficking, there are several lessons that can be derived from it for the purpose of strengthening the response to the smuggling of migrants.

These guiding principles are intended to serve as a practical tool that will help stakeholders when developing counter-trafficking agreements. Stakeholders are understood to be all actors that play a role in combating and preventing human trafficking, from law enforcement agencies to specialized service providers, non-governmental organizations, trade unions, the judiciary, the prosecution services, faith-based organizations, etc.

The principles are a set of recommendations that lead States and stakeholders through the necessary steps for developing and implementing a formalized cooperative relationship, whether through memorandums of understanding or other cooperation agreements.

www.ungift.org/docs/ungift/pdf/humantrafficking/Guiding_Principles_annexe.pdf

United Nations Development Programme. *UNDP and Civil Society Organizations: A Toolkit for Strengthening Partnerships*. New York, 2006.

The Toolkit is aimed at strengthening the relationship between the United Nations Development Programme (UNDP) and civil society organizations. It defines civil society organizations and presents a methodology and operational information for working with them, including policy implementation, contracts, grants and partnership agreements. Though primarily designed for use by UNDP staff, the Toolkit is a valuable resource both for individuals or entities working with civil society organizations, and for civil society organizations themselves.

The Toolkit is available from www.undp.org/partners/civil_society/publications/CSO_Toolkit_linked.pdf.

Promising practices

See subsections 4.13, 4.14 and 4.15.

4.9 Developing inter-agency coordination mechanisms

Inter-agency collaboration is a prerequisite for the success of any national or local strategy to prevent and combat the smuggling of migrants. Coordination mechanisms should be able to elaborate and implement anti-smuggling policies, monitor their implementation, coordinate the actions of all relevant actors at the national level and facilitate international cooperation. Their role should not be restricted to the prosecution of offenders, but should also encompass the development and coordination of measures to assist and protect smuggled migrants.

Successful cooperation mechanisms are based on a clear definition of the respective roles of the various agencies involved. When developing such coordination mechanisms, it is very important to clarify the role of each of the key agencies involved in implementing a comprehensive strategy, whether national or local.

Recommended resource

United Kingdom, Home Office. *Crime Reduction Toolkit on Trafficking of People*. London. Multiagency coordination or management groups need to ensure that the specific roles and responsibilities of the different agencies are agreed upon and understood by all involved. Equally, the issues of leadership and accountability need to be addressed from the outset.

For a concrete example, one may consult the lists of the specific roles and responsibilities of various agencies developed in the United Kingdom to support the development of local frameworks. It is clear that local situations will determine what can be done and who is best positioned to do it. This Toolkit offers a series of checklists of the contributions that different agencies and groups may be able to make. These (or similar checklists) can be reviewed and used to assist the making of decisions on who actually does what locally. The scale and nature of the local problem, the mandate of the organizations, existing expertise and the resources available will influence such decisions.

www.crimereduction.homeoffice.gov.uk/toolkits/tp00.htm

Promising practices

See subsections 4.13, 4.14 and 4.15.

Action plans and strategies

4.10 National action plans and strategies

Australian strategy to combat people smuggling

As part of its budget for 2009-2010, the Australian Government funded a whole-of-Government (multiagency) strategy costing 654 million Australian dollars to combat the smuggling of migrants and address the problem of unauthorized boat arrivals.

This strategy includes the largest surveillance and detection operation against the smuggling of migrants in Australian history. The funding was allocated as follows:

- \$A324 million funding to increase maritime patrol and surveillance, including an additional maritime surveillance craft in Australia's northern waters and increased maritime surveillance time
- A funding increase of almost \$A63 million for aerial surveillance (two additional surveillance aircraft)
- About \$A93 million to strengthen engagement with regional neighbours and international organizations
- \$A13.6 million to strengthen legal and prosecution capacity and enhance regional cooperation with regard to laws on smuggling of migrants

The Australian Government has also established a dedicated Border Protection Committee of Cabinet, supported by the newly established Border Protection Taskforce, to drive the Government's response to smuggling of migrants.

[www.ag.gov.au/www/agd/agd.nsf/Page/Publications_Budgets_Budget2009_MediaReleases_\\$1.3BilliontoCombatPeopleSmugglingandStrengthenAustraliasNationalSecurity](http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications_Budgets_Budget2009_MediaReleases_$1.3BilliontoCombatPeopleSmugglingandStrengthenAustraliasNationalSecurity)

United States of America national anti-smuggling strategy

The United States Immigration and Customs Enforcement (ICE) was established in 2003, prior to which, many of its functions were performed by the United States Customs Service (Treasury), Immigration and Naturalization Service (Justice) and Federal Protective Service. With regard to the smuggling of migrants, ICE applies various tools, resources and initiatives to identify smugglers and dismantle the related criminal infrastructure.

www.ice.gov/index.htm

4.11 Regional action plans and strategies

African Union Migration Policy Framework for Africa

This Migration Policy Framework provides policy guidelines on the following thematic issues:

- Labour migration
- Border management
- Irregular migration
- Forced displacement
- Human rights of migrants
- Internal migration
- Migration data
- Migration and development
- Inter-State cooperation and partnerships

It is available at [www.africa-union.org/root/au/Conferences/Past/2006/November/SA/EU/EXCL276\(IX\)_Strategic_Framework_for_Policy_Migration.doc](http://www.africa-union.org/root/au/Conferences/Past/2006/November/SA/EU/EXCL276(IX)_Strategic_Framework_for_Policy_Migration.doc).

Draft African Common Position on Migration and Development

This was drafted and adopted by the African Union at the Experts' Meeting on Migration and Development that took place in Algiers from 3 to 5 April 2006. It includes the following recommendations for combating the smuggling of migrants:

- Strengthen the mechanisms to combat the smuggling of migrants and trafficking in persons, including through the elaboration of legal instruments
- Introduce measures including legal frameworks to fight illegal migration and punish those guilty of smuggling or trafficking in persons

www.africa-union.org/root/au/Conferences/Past/2006/April/SA/Apr5/Draft%20AFRICAN%20COMMON%20POSITION%20ON%20MIGRATION%20AND%20DEVELOPMENT%20-final-5%20April2006.pdf

Black Sea Economic Cooperation Action Plan on Cooperation in Combating Crime, in Particular in its Organized Forms (May 2007 to April 2009)

The Black Sea Economic Cooperation was formed in 1992 by 11 Governments to foster peace, stability and prosperity among member States. In the Action Plan, members make a commitment to participating in specific regional seminars and training courses on trafficking in persons. The Action Plan also provides for the possibility of enhancing cooperation with other international organizations.

It is available from www.bsec-organization.org/aoc/coooperation/Pages/ActionP.aspx.

Communication from the European Commission on policy priorities in the fight against illegal immigration of third-country nationals

This Communication forms an integral part of the comprehensive and structural approach of the European Union towards effective migration management. The policy priorities outlined in the Communication relate to the following topics:

- Cooperation with third countries
- Secure borders and integrated management of external borders
- Fight against trafficking in persons
- Secure travel and identification documents
- Addressing regularizations
- Tackling a key pull factor: illegal employment
- Return policy
- Improving exchange of information through existing instruments
- Carriers' liability

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=2006&nu_doc=402

Council of Europe Parliamentary Assembly resolution 1521 (2006) on mass arrival of irregular migrants on Europe's southern shores

In response to growing concern across Europe at the number of irregular migrants and asylum-seekers arriving on its southern shores, the Parliamentary Assembly of the Council of Europe adopted this resolution, which covers a range of issues on migration flows and related humanitarian and human rights problems.

Paragraph 13 of the resolution urges member States to:

- Examine the root causes of migration
- Provide financial and other support for countries of origin of migrants in order to tackle many of the root causes of migration
- Collect and exchange data on migration movements (country of origin information, transport routes, smuggling and trafficking networks, etc.)
- Provide greater transparency with regard to the number and origin of persons arriving as irregular migrants or asylum-seekers and also provide statistics on the number that are repatriated, detained or released
- Establish adequate identification mechanisms to determine the nationality of arrivals
- Address secondary movements of migrants and asylum-seekers and refugees within member States, taking into account the rights of the persons concerned
- Conclude readmission agreements with countries of origin and transit of irregular migrants
- Promote information strategies for countries of origin, transit and destination, highlighting the dangers involved in irregular migration and explaining the options and possibilities for legal migration

Paragraph 14 encourages member States to share the burden of these mass arrivals by:

- Contributing to the different air and sea patrols being put into place by the European Agency Frontex
- Contributing to rapid reaction forces being set up to deal with mass arrivals (border officials, interpreters, medical officers, etc.) and including experts on asylum and human rights issues in these teams to ensure that persons in need of international protection are identified
- Contributing to the humanitarian and material needs of persons arriving (including the provision of portable accommodation, food, medicine, etc.)
- Contributing to the cost of processing and, where appropriate, returning irregular migrants
- Agreeing to take in persons arriving or settle those in need of international protection, in particular to alleviate the pressure on countries such as Malta with large numbers of arrivals

Paragraph 15 states that the issue cannot be looked at only from a migration management angle, as there are significant humanitarian and human rights concerns in relation to the arrival, stay and possible return of irregular migrants and asylum-seekers.

Paragraph 16 calls on member States to:

- Protect the right to life, refrain from using unreasonable force on those seeking to enter Europe and rescue those whose life may be in danger
- Respect the right to human dignity by providing adequate reception conditions covering accommodation, health care and other basic needs
- Provide a hearing, with an interpreter if necessary, to anyone whose right of entry is disputed in order to allow them to explain the reasons for entering the country and to lodge an application for asylum if appropriate
- Use detention only as a last resort and not for an excessive period. Irregular migrants should be held in special detention facilities and not with convicted prisoners. Children should not be detained, unless this is unavoidable. In such cases it must be for the shortest possible time. The same applies for other vulnerable persons, including victims of torture, pregnant women and the elderly
- Provide detainees with the right to contact anyone of their choice (lawyer, family members, a non-governmental organization, UNHCR, consular services, etc.)
- Ensure that detention is judicially authorized and that there is an independent judicial review of the lawfulness and need for continued detention. Detainees should be expressly informed, without delay and in a language they understand, of their rights and the procedures applicable to them
- Guarantee freedom from torture, inhuman or degrading treatment or punishment, including in the return process

- Guarantee non-refoulement and the right to asylum
- Prohibit the collective expulsion of aliens
- Provide an effective remedy before an independent and impartial authority, with a suspensive effect when a returnee has an arguable claim that he or she would be subjected to treatment contrary to his or her human rights if returned
- Pay particular attention to the needs of unaccompanied and separated minors, pregnant women, the elderly, the disabled, victims of torture or of trafficking and others in a vulnerable situation
- Ensure that unaccompanied minors have effective access to available protection mechanisms, including asylum procedures

Paragraph 17 calls on member States to:

- Provide all persons arriving with information on their rights and responsibilities
- Register persons arriving and provide them with temporary documentation
- Establish transparent mechanisms to determine their nationality
- Allow access by UNHCR, IOM and humanitarian and other non-governmental organizations to all places where persons arriving may be detained
- Support voluntary return programmes for irregular migrants and carry out forcible returns only in accordance with the 20 guidelines on forced return adopted by the Council of Europe's Committee of Ministers in May 2005

Paragraph 18 encourages the European Parliament's Committee on Civil Liberties, Justice and Home Affairs to continue its programme of visits to places where mass arrivals are taking place in order to provide greater visibility on the plight of persons arriving and the challenges faced by the authorities concerned.

In paragraph 19, the Parliamentary Assembly invites the Council of Europe Human Rights Commissioner to pay particular attention, in the preparation of his country reports, to human rights issues posed by the arrival, stay and return of irregular migrants and asylum-seekers arriving on Europe's shores.

In paragraph 20, the Parliamentary Assembly considers that closer and prompter cooperation is required between all key actors (governmental, non-governmental and intergovernmental) when mass arrivals take place, and recommends that structures for cooperation be set up immediately in preparation for the arrivals that would take place in 2007.

In paragraph 21, the Parliamentary Assembly encourages its Committee on Migration, Refugees and Population to step up its work on mass arrivals, making full use of its ad hoc subcommittee on unexpected large-scale arrival of migrants and asylum-seekers.

In paragraph 22, the Parliamentary Assembly also encourages its Committee on Migration, Refugees and Population to examine, in the context of its work, the problems in negotiating and implementing readmission agreements, as well as the steps that have to be taken to tackle the illegal criminal networks responsible for the trafficking and smuggling of irregular migrants.

In paragraph 23, the Parliamentary Assembly proposes returning to the issue of mass arrival of irregular migrants on Europe's southern shores following a more in-depth analysis of the problems faced and solutions available.

The resolution is available from <http://assembly.coe.int/Main.asp?link=/Documents/Adopted-Text/ta06/ERES1521.htm>.

Economic Community of West African States Common Approach on Migration

The Economic Community of West African States (ECOWAS) Common Approach on Migration was approved in January 2008.

It identifies six key areas:

- Free movement of persons within the ECOWAS zone
- Management of legal migration
- Combating human trafficking
- Harmonizing policies
- Protection of the rights of migrants, asylum-seekers and refugees
- Recognizing the gender dimension of migration

More information is available from www.oecd.org/document/7/0,3343,en_38233741_38246954_38483911_1_1_1_1,00.html#issues.

European Union Annual Action Programme 2009 and 2010 (part 1) for the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum

This Action Programme is aimed at:

- Fostering the links between migration and development
- Promoting well-managed labour migration
- Fighting illegal immigration and facilitating the readmission of illegal immigrants
- Protecting migrants against exploitation and exclusion and supporting the fight against trafficking in human beings
- Promoting asylum, international protection and the protection of stateless persons

The objective is to implement the Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum through capacity-building, information and awareness-raising and cooperation activities in which partners in countries of origin, transit and destination develop actions and share experience, best practices and working methods on the various aspects of migration.

The European Union Annual Action Programme for 2009 and 2010 is available from http://ec.europa.eu/europeaid/documents/aap/2009/ec_aap-2009_dci-migration-asylum_en.pdf.

Further information on free movement of persons, asylum and immigration within the European Union is available at: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration.

European Union Vienna Action Plan

This Action Plan states that criminal behaviour should be dealt with in an equally efficient way throughout the European Union and should be pursued with the same vigour wherever it takes place. If serious criminal conduct receives an equivalent response and procedural guarantees are comparable throughout the European Union, the possibilities of improving coordination of prosecution, whenever greater efficiency can be reconciled with respect for individual rights, must be examined. This goes in particular for policy areas where the Union has already developed common policies with strong cross-border implications

It is available from http://ec.europa.eu/justice_home/doc_centre/crime/doc_crime_intro_en.htm.

Migration Management in Central and South-Eastern Europe. IOM Strategy and Objectives 2006-2007

This strategy document outlines the approach of IOM in Central and South-Eastern Europe, in response to the latest migration trends and political and socio-economic developments in the countries under study. It takes into consideration the European Union membership of the Czech Republic, Hungary, Poland, Slovakia and Slovenia and the membership prospects of the Balkan countries, as well as their need for progressive alignment with the European Union migration acquis.

The strategy document places special emphasis on promoting regional, subregional and cross-border cooperation between the countries of Central and South-Eastern Europe. It considers the overall framework of the cooperation objectives of IOM in the region and its regional policy agenda, which focuses on current political, economic and social issues. After outlining the regional strategy, the document takes a closer look at the individual approaches and policies for the 13 countries of the Central and South-Eastern European region.

http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=139

Plan of Action of the Regional Conference on Migration

The Regional Conference on Migration (formerly known as the Puebla Process) is a multi-lateral regional forum on international migration that includes representation from all Central American countries, Canada, the Dominican Republic, Mexico and the United States of America. The group was established in 1996 to improve communication on migration issues among immigration and foreign policy officials in the region. It has a Plan of Action, updated in November 2009, that includes the following objectives:

- Implementation of national migration policies
- Identification of norms relating to migration documents
- Strengthening cooperation to combat the smuggling of migrants and trafficking in persons
- Awareness-raising about the negative impact of smuggling of migrants and trafficking in persons
- Strengthening coordination between Governments and international organizations on return of migrants

- Developing a regional strategy to facilitate the safe, dignified and orderly return of migrants
- Technical cooperation for reintegration of returned migrants
- Promotion of linkages with other regional and international consultation processes on migration

It is available from www.rcmvs.org/plande.htm.

Summits of the Americas Declaration on migration, including plan of action to criminalize the smuggling of migrants

The Summits of the Americas bring together the Heads of State and Government of the western hemisphere to discuss common concerns, seek solutions and develop a shared vision for the future economic, social and political development of the region.

The Summits of the Americas have committed to dialogue in order to reduce the cost of and facilitate remittances; increase efforts to combat the smuggling of migrants and trafficking in persons; provide for the dignified, orderly, and safe return of migrants; and invite States to exchange best practices on establishing bilateral programmes for migrant workers.

The Declaration includes a plan of action on criminalizing the smuggling of migrants and trafficking in persons; effectively enforcing national laws and regulations to confront the smuggling of migrants and trafficking in persons; strengthening institutions; and improving the training of professional staff so that they can investigate and prosecute the responsible parties, undertake prevention initiatives, and protect and assist the victims of these crimes.

The Declaration and plan of action are available from www.summit-americas.org/sisca/mig.html.

2004 United States—Mexico Action Plan for Cooperation and Border Safety

Mexico and the United States have endorsed the implementation of a set of measures on border safety and security to strengthen the protection of Mexican migrants at the border and combat organized crime linked to the smuggling of migrants and human trafficking. The principal goal of the Action Plan is to update and strengthen institutional efforts and to establish new courses of action where needed. The following actions are planned to that end:

- Enhancing existing media information and prevention programmes
- Combating the smuggling of migrants and trafficking in persons
- Combating border violence
- Intensifying public outreach to prevent migrants crossing the border in high-risk areas
- Coordinating responses to border emergencies
- Ensuring secure and orderly repatriations of Mexican nationals
- Exploring mechanisms, on a bilateral basis, to repatriate Mexican nationals
- Strengthening consultation mechanisms between Mexican consuls and the United States Department of Homeland Security
- Strengthening border liaison mechanisms

www.migracioninternacional.com/docum/indice.html?mundo=usmexplanseg2004.html

Recommended resource

Mixed Migration Task Force. *Mixed Migration through Somalia and across the Gulf of Aden*. 2008.

This strategy paper is based on a study completed in January 2008, which was commissioned by the Mixed Migration Task Force Somalia in order to improve understanding of the complex migration flow through Somalia to Yemen. The paper outlines the dynamics of the process and challenges encountered along the migration routes, on the hazardous sea journey to Yemen and upon arrival in Yemen. It provides recommendations for a strategy to address these challenges that are built around the evident need to improve coordination, policymaking and analysis at the regional level. It recommends an expansion of coordinated humanitarian interventions in order to address the current limitations to human rights protection for migrants and refugees, including engaging with and capacity-building of national and regional authorities and addressing the economic causes of this phenomenon.

It is available from www.unhcr.org/4877716c2.html.

4.12 Interregional and international action plans and strategies

Africa-European Union strategic partnership

The Joint Africa-EU Strategy provides a long-term framework for Africa-European Union relations. Its first action plan specifies concrete proposals for 2008-2010, which come under strategic partnerships in the following areas:

- Peace and security
- Democratic governance and human rights
- Trade, regional integration and infrastructure
- Millennium Development Goals
- Energy
- Climate change
- Migration, mobility and employment
- Science, information society and space

The strategic partnership on migration, mobility and employment has three priority actions:

- Implement the declaration of the Tripoli Ministerial Conference on Migration and Development
- Implement the EU-Africa Plan of Action on Trafficking of Human Beings
- Implement and follow up the 2004 Ouagadougou Declaration and Action Plan on Employment and Poverty Alleviation in Africa

Among the objectives of the strategic partnership are:

- Facilitating mobility and free movement of people in Africa and the European Union and better managing legal migration between the two continents
- Addressing the root causes of migration and refugee flows
- Finding concrete solutions to problems posed by illegal or irregular migratory flows
- Addressing the problems of migrants residing in European Union and African countries
- Effectively combating trafficking in human beings through a victim-centred approach, in particular of women and children
- Addressing the root causes of trafficking in human beings in countries of origin, as well as in countries of destination
- Contributing to the empowerment of women and children

European Commission. *One year after Lisbon: the Africa-EU partnership at work*. Brussels, 2008.

This communication reviews the progress made during the first year of implementation of the joint strategy. It confirms the change in Europe's relations with Africa and aims to stimulate debate among stakeholders on both continents (member States, regional bodies, parliaments, civil society and international partners) on the results achieved so far for each of the eight partnerships, and a way forward.

For more information, visit http://ec.europa.eu/development/geographical/regionscountries/euafrica_en.cfm.

Also see the European Commission/Council Secretariat Joint Paper, *Beyond Lisbon: Making the EU-Africa Strategic Partnership Work* (Brussels, 2007). Available from http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0357en01_02.pdf.

Global Approach to Migration

The Global Approach to Migration can be defined as the external dimension of the migration policy of the European Union (EU). It is based on genuine partnership with third countries, is fully integrated into other EU external policies and addresses all migration and asylum issues in a comprehensive and balanced manner. Adopted in 2005, it illustrates the ambition of EU to establish an intersectoral framework to manage migration in a coherent way through political dialogue and close practical cooperation with third countries.

The Global Approach reflects a major change in the external dimension of European migration policy over recent years, namely, the shift from a primarily security-centred approach, focused on reducing migratory pressures, to a more transparent and balanced approach that is guided by a better understanding of all aspects relevant to migration.

EU has built the multidimensional character of the Global Approach on a thematic basis, covering legal migration and mobility, irregular immigration, and migration and development. Many concrete actions on the ground preceded the Global Approach, although many of them tended to be done in isolation. However, the very nature of the Global Approach points to the need to combine more systematically action by EU, EU member States and third countries or other players in the various thematic fields.

To counteract smuggling of and trafficking in human beings, EU supports and promotes the ratification and implementation of international instruments, the drafting and implementation of national anti-trafficking action plans, legislative improvements, the prevention of smuggling of and trafficking in human beings, and the reintegration and rehabilitation of victims. The Ouagadougou Action Plan of November 2006 (now a part of the EU-Africa Partnership on Migration, Mobility and Employment) has created new prospects for cooperation between the European Union and Africa in this area.

The European Commission proposes to:

- Acquire and provide timely and updated information on changes in migratory routes towards EU by promoting reliable comparable data to be collected in both sending and destination countries, exploring new scientific methodologies and making full use of new technologies, such as the electronic mapping system

- Provide assistance to key third countries to strengthen their migration management, e.g. by sharing experiences on border control issues, training border guards and exchanging operational information
- Support third countries in the adoption and implementation of national integrated border management strategies, in line with EU standards
- Support local organizations that encourage potential migrants to stay and help them to find opportunities in their home countries
- Intensify, with the active involvement of origin and transit countries, particularly in the European Neighbourhood Policy context, joint operations and cooperation in setting up a border surveillance infrastructure under the European Border Surveillance System
- While placing the readmission policy more firmly within the Global Approach and its priorities and using the potential of mobility partnerships, intensify efforts on readmission agreements between EU and the main countries of origin and transit, make sure that third countries meet their obligations to readmit persons staying illegally in EU, including where applicable under the Cotonou Agreement, and recognize documents facilitating the return of undocumented migrants, as well as offering the necessary assistance for such readmissions. Ensure through training, exchange of best practices and coaching that all return operations are conducted with dignity and in line with human rights standards, and increase cooperation to secure the sustainability of such returns
- Encourage third countries to ratify and implement international instruments related to the fight against the smuggling of migrants and trafficking in human beings
- Strengthen, at the global level, cooperation with international organizations, in particular the United Nations, in fighting human trafficking
- Encourage due attention to the issue of human trafficking in political and cooperation dialogue with partner countries and regional organizations
- Give priority to the implementation of the Ouagadougou Action Plan, support regional organizations in developing anti-trafficking strategies and action plans and ensure that existing ones are put into effect

More information on the Global Approach to Migration is available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/549&format=HTML&aged=1&language=EN&guiLanguage=en>.

Source: Communication on Strengthening the Global Approach to Migration. Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0611:FIN:EN:PDF>.

Joint Africa-EU Declaration on Migration and Development

Signatories to this 2006 Declaration agreed that illegal migration puts lives at risk and undermines national policies on migration. In recognition of this, African and European Union States reaffirmed that the control of illegal migration must be pursued together in a cooperative and comprehensive way, and that all countries have a duty to cooperate fully to ensure return in a humane and orderly manner.

In this context, the Declaration addresses issues of:

- Migration management challenges
- Peace and security
- Migration and development
- Brain drain
- Concern for human rights and the well-being of the individual
- Sharing best practices
- Legal migration opportunities
- Illegal migration
- Protection of refugees

The full Declaration can be accessed at www.africa-union.org/root/au/Conferences/Past/2006/November/SA/EU/joint_declaration.doc.

European Union/Georgia Action Plan

This is a political document laying out the strategic objectives of the cooperation between Georgia and the European Union. One of its stated key priorities is to enhance cooperation in the areas of justice, freedom and security, including border management, by taking specific action on border and migration management, including readmission, visas and asylum issues.

http://ec.europa.eu/world/enp/pdf/action_plans/georgia_enp_ap_final_en.pdf

Plan of Action for the Implementation of the Brussels Declaration on Asylum, Migration and Mobility

This Plan of Action was adopted by the ministers from the African, Caribbean and Pacific Group of States in charge of asylum, migration and mobility on 13 April 2006. It includes commitments to:

- Fight smuggling of persons and other related transnational criminal activities
- Employ special surveillance methods along borders to target networks involved in smuggling of migrants, and provide protection to people who have been smuggled
- Ensure cooperation between countries concerning information regarding the deportation of nationals of African, Caribbean and Pacific States
- Formulate specific requests for financing national and regional awareness campaigns (through both traditional media and new information technologies) that target women and children in particular
- Develop specific training programmes for all services concerned with the smuggling of persons
- Submit specific requests to the European Union and other development partners so as to provide assistance to transit countries for the management of irregular migration, while respecting rights of migrants

The Plan of Action is available from www.acpsec.org/en/pahd/ACP2802606PlanActionMigrationEN.pdf.

Rabat Action Plan, Euro-Africa Ministerial Conference on Migration and Development, July 2006

The third section of this Action Plan is on illegal immigration and emphasizes the need for cooperation at all stages of the response to illegal migration and reinforcement of border security.

Cooperation in the fight against illegal immigration

- Cooperating logistically and financially for the voluntary return of migrants in transit countries
- Setting up, while respecting human dignity and the fundamental rights of people, efficient readmission systems between all countries concerned, in particular through the effective implementation of the relevant provisions of article 13 of the Cotonou Agreement and the conclusion of the readmission Agreements between, on the one hand, North, West and Central African countries and, on the other hand, the European Union or one of its member States and North, West and Central African countries
- Technical and logistical support for identifying illegal migrants' nationality
- Facilitating the reintegration of irregular migrants who have returned to their home country
- Launching information campaigns to make potential migrants aware of the risks of illegal immigration
- Making financial resources available to support transit and origin countries facing emergency situations concerning illegal migration

Reinforcement of the national border control capacity of countries of transit and departure

- Improving the training of relevant services and the equipment used in transborder operational cooperation
- Cooperating to provide relevant countries with a computerized database that can be used to efficiently combat irregular migration
- Cooperating to put an early warning system in place, inspired by the European model, in order to allow the immediate transmission of signals warning of potential clandestine immigration, as well as activities of smugglers' organizations

The Action Plan is available from www.maec.gov.ma/migration/Doc/PA%20final%20EN.pdf.

Coordination mechanisms and institutions

4.13 National coordination mechanisms and institutions

Australia

Joint Australian Federal Police and Department of Immigration and Citizenship People Smuggling Strike Team

This team was established in May 2000. It provides a centrally directed, highly mobile investigative capability against organized people-smuggling syndicates operating in Australia and overseas. The team consists of investigators and intelligence and financial analysts.

Technological advances, including the widespread availability of fraudulent documentation, have prompted a maturing of the criminal activities undertaken by smugglers of persons. There is a greater awareness of policing abilities and methodology, and preparatory and overt acts are being conducted in more than one jurisdiction. It has become apparent that smugglers of persons are acting regionally rather than in just one country; therefore, it is imperative that capacity-building and intelligence-sharing opportunities be pursued in source and transit countries across the region.

Since 29 September 2008, there has been an increase in persons smuggled into Australia. These migrants are predominately of Afghan, Iranian, Iraqi and Sri Lankan origin.

To combat this increase, the Australian Federal Police have generated a law enforcement programme founded on three pillars: prosecution, disruption and capacity-building. The prosecution strategy relies on foreign and Australian prosecution of smugglers of persons; the disruption strategy consists of providing actionable intelligence to inform foreign law enforcement action and prevent maritime ventures before they depart for Australia; and the capacity-building strategy is focused on enhancing the capacity of the Indonesian National Police and other law enforcement agencies across the region, including in Malaysia, Pakistan and Sri Lanka.

www.afp.gov.au/national/people_smuggling.html

Whole-of-Government role

The Australian Federal Police have a pivotal place in a number of newly formed inter-governmental forums that provide high-level guidance for operations and policy responses to unauthorized arrivals by boat to Australia. Other members of these forums include:

- Department of Immigration and Citizenship
- Department of the Prime Minister and Cabinet
- Australian Customs and Border Protection Service
- Department of Foreign Affairs and Trade, including the Ambassador for People Smuggling Issues

- Australian intelligence community
- Attorney-General's Department

www.afp.gov.au/national/people_smuggling.html

Ambassador for People Smuggling Issues

The Australian Government appointed a full-time Ambassador for People Smuggling Issues in recognition of the significant challenges that Australia faces as a result of the difficult conditions in source locations such as Afghanistan, the Afghanistan-Pakistan border area and Sri Lanka.

The Ambassador is responsible for high-level advocacy of Australia's interests in promoting effective and practical international cooperation to combat the smuggling of migrants and trafficking in persons, particularly in the Asia-Pacific region.

The Ambassador promotes a coordinated, whole-of-Government approach to Australian policies and works closely with foreign Governments and international organizations to implement measures that deliver practical benefits to regional operational agencies to combat the smuggling of migrants and trafficking in persons.

www.dfat.gov.au/homs/aups.html

Germany

Joint Analysis and Strategy Centre for Illegal Migration

Gemeinsames Analyse—und Strategiezentrum illegale Migration (GASIM) was established in 2006 with the aim of enhancing the State response to illegal migration by providing an institutionalized cooperation mechanism involving all relevant players at the federal level (the states (Länder) are involved on a case-by-case basis). GASIM is composed of representatives of:

- Federal Office for Migration and Refugees (Bundesamt fuer Migration und Fluechtlinge)
- Federal Intelligence Service (Bundesnachrichtendienst, which only operates abroad)
- Federal Police (Bundespolizei, former Bundesgrenzschutz, which is responsible for policing borders)
- Foreign Office (Auswaertiges Amt)
- Federal Criminal Police Office (Bundes Kriminal Amt)
- Financial Control of Illegal Labour (Finanzkontrolle Schwarzarbeit)
- Federal Office for the Protection of the Constitution (Verfassungsschutz, the intelligence service that operates only in Germany)

The mandate of GASIM is to provide analysis of all information on illegal migration, in particular with regard to its links with general crime, organized crime, terrorism, illegal employment and abuse of social benefits; an early warning function; situation reports; and policy advice. GASIM operates mainly through thematic forums that bring together relevant representatives. The forums are convened on a regular basis and include:

- A daily briefing forum
- A forum to analyse migration flows
- A forum to analyse trends and challenges with regard to illegal migration and illegal labour
- A forum to share intelligence and provide strategic analysis (on trends in modus operandi and involvement of organized crime)
- A forum to analyse policies of the different agencies, identify gaps and overlaps, and provide recommendations
- A forum to analyse operational measures against illegal migration

More information is available from www.bmi.bund.de/SharedDocs/Pressemitteilungen/EN/2006/07/joint_center_for_illegal_migration_analysis.html?nn=109632&nsc=true.

Netherlands

Expert Centre on Trafficking Human Beings and Human Smuggling

The aim of the Expertisecentrum Mensenhandel en Mensensmokkel (EMM) is to improve cooperation, communication and exchange of information and to make preliminary inquiries into trafficking in persons and the smuggling of migrants.

Its mission is to provide an insight into and an overview of trafficking in persons and the smuggling of migrants, for the purpose of detecting and preventing them and related crimes. It is a central point at which information, knowledge and experience are collected, processed and used.

The Centre brings together experts from the National Police Criminal Investigation Service, military border police, regional police forces, the Immigration and Naturalization Service and the Social Information and Investigation Service.

For more information, visit www.postbus51.nl/nl/home/adressen/ministerie-justitie/adres-expertisecentrum-mensenhandel-en-mensensmokkel-emm.html.

Switzerland

Swiss Coordination Unit against Trafficking in Persons and Smuggling of Migrants and its Permanent Secretariat

The Koordinationsstelle gegen Menschenhandel und Menschenschmuggel (KSMM) provides the structures and fosters the networks necessary for fighting trafficking in persons and the smuggling of migrants effectively, ensuring that procedures throughout Switzerland are coordinated. It also develops strategies and measures to combat this form of crime.

KSMM is committed to implementing the two supplementary Protocols to the United Nations Organized Crime Convention.

The authorities and organizations involved in fighting trafficking in persons and smuggling of migrants work together in KSMM: it comprises a Steering Committee, a Permanent Secretariat at the Federal Office of Police, and expert and working groups that provide information and carry out projects.

The Steering Committee formulates the basic principles for fighting human trafficking and the smuggling of migrants and determines priorities in a national action plan.

The Permanent Secretariat at the Federal Office of Police is the central contact office for enquiries from Switzerland and abroad on trafficking in persons and the smuggling of migrants. The Secretariat ensures the flow of information between all KSMM members, coordinates the participation of federal authorities in national and international committees and provides support in public relations work. It compiles and coordinates analyses, statements and reports.

Under the leadership of the Permanent Secretariat, the expert groups and other special working groups develop instruments and measures for fighting trafficking in persons and smuggling of migrants more efficiently. They also exchange information for the purpose of developing plans and strategies that serve as a basis for the political decision-making process.

The tasks of KSMM are strategic rather than operational. Its work is aimed at improving the basis for combating trafficking in persons and smuggling of migrants in Switzerland, but it is not involved in criminal proceedings or investigations. That is the task of the Human Trafficking and Smuggling of Migrants Section of the Federal Criminal Police, which provides support to the cantonal prosecution authorities in their investigations.

www.ksmm.admin.ch/ksmm/en/home/die_ksmm/ziel_und_struktur.html

United States of America

Human Smuggling and Trafficking Center (HSTC)

This Center was formally established under the Intelligence Reform Act and Terrorism Prevention Act of 2004. The Secretary of State, the Secretary of the Department of Homeland Security, the Attorney General and members of the national intelligence community jointly oversee HSTC through a high-level inter-agency steering group.

HSTC was established to achieve greater integration and overall effectiveness in efforts by the United States Government to combat the smuggling of migrants, trafficking in persons and clandestine terrorist travel. HSTC coordinates activities with foreign Governments to ensure that efforts are addressed globally. It brings together experts from the policy, law enforcement, intelligence and diplomatic arenas to work together and use their knowledge, expertise and authority to address the global threat of illicit travel. HSTC is a support organization and does not have directive authority. It has four main functional areas:

- Facilitating the broad dissemination of all source information by integrating and disseminating raw and finished tactical, operational and strategic intelligence and information to member agencies, policymakers and appropriate foreign partners. This intelligence provides the basis for criminal investigations as well as interceptions of smuggled persons
- Preparing strategic assessments related to important aspects of smuggling of and trafficking in persons and clandestine terrorist travel. Assessment topics may include global smuggling and trafficking organizations and networks; the extent of progress in dismantling organizations; smuggling and trafficking schemes, patterns and trends; and proven law enforcement and other approaches for countering smuggling and trafficking. HSTC produces intelligence bulletins, reports and notes, longer analysis

products and target packages about smuggling organizations and networks, which are provided to appropriate United States agencies for action. The strategic assessments provide policymakers with accurate, objective analyses of threats, vulnerabilities and opportunities for action

- Identifying issues for inter-agency coordination or action related to the smuggling of migrants or trafficking in persons. These issues and initiatives can be either domestic or foreign
- Coordinating select initiatives and providing other support for domestic and international anti-smuggling or trafficking initiatives. These initiatives may include bilateral or multilateral activities against smuggling networks, and support can include intelligence support for law enforcement

More information about HSTC is available from www.state.gov/p/inl/c14079.htm.

4.14 Regional coordination mechanisms and institutions

Regional consultative processes are informal, State-led forums that provide a variety of functions on specific issues. Their aims may include sharing information, experiences and good practices between countries to foster cooperation on various issues at the regional level. This subsection gives examples of such regional cooperation—or regional consultative processes—on the topic of the smuggling of migrants.

Bali Process

The Bali Process brings participants together to work on practical measures to help combat smuggling of and trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. Initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali in February 2002, the Bali Process follow-up is a collaborative effort in which over 50 countries and numerous international agencies participate. The Bali Process is co-chaired by the Governments of Indonesia and Australia, and two country coordinators lead follow-up activities in two thematic areas:

- Thailand: regional and international cooperation on policy issues and law enforcement
- New Zealand: regional and international cooperation on policy issues and legal frameworks

The Bali Process Steering Group (comprising the Governments of Australia, Indonesia, New Zealand and Thailand, as well as IOM and UNHCR) guide the monitoring and implementation of activities in these areas. Financial contributions are provided by Australia, Japan, New Zealand and the United States of America, as well as numerous other participating countries.

Combating the smuggling of migrants is one of the key thematic priorities of the Bali Process; specific objectives to that end are the strengthening of regional policy and law enforcement cooperation to address trafficking in persons and smuggling of migrants, and the criminalization of both crimes through the adoption of national legislation.

www.baliprocess.net

Budapest Process

The Budapest Process is a consultative forum of more than 50 Governments and 10 international organizations that aims to develop comprehensive and sustainable systems for orderly migration. It involves States from the wider European region. The Process was initiated by Germany in 1991, when ministers met in Berlin to work on joint measures against the increase

of irregular migration pressures in Europe. Two years later, a second Ministerial Conference in Budapest adopted a further set of recommendations. To ensure the implementation of these recommendations, the Budapest Group of Senior Officials was established under the chairmanship of Hungary. ICMPD was chosen as the Secretariat.

Smuggling of migrants is one of the key areas addressed by the Budapest Process, in addition to regular and irregular migration, asylum, visas, border management, trafficking in human beings and readmission and return. One of the working groups in the Budapest Process specifically addresses the penalty scales for the smuggling of migrants and trafficking in human beings.

www.icmpd.org/fileadmin/ICMPD-Website/Budapest_Process/What_is_the_Budapest_Process_January_2010.pdf

Central American Commission of Migration Directors (Comisión Centroamericana de Directores de Migración)

The Commission was established to address matters relating to the transit of Central American nationals through the region. It makes proposals to improve migration systems and offers technical support to build the capacity of Governments in that respect.

www.oim.or.cr/espanol/ProcesosRegionales/OCAM/OCAM.shtml

Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants

The Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) has 33 member States and works in partnership with IOM, UNHCR and the PIDC Secretariat. APC focuses on security-related issues such as smuggling of migrants and trafficking in persons, as well as the movements of refugees and internally displaced persons. The aim of APC is to promote dialogue and greater regional cooperation.

www.apcprocess.net

Inter-Governmental Consultations on Migration, Asylum and Refugees

The 17 member States of the Inter-Governmental Consultations on Migration, Asylum and Refugees (IGC) are Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States of America. It is also a partner of IOM, UNHCR and the European Commission. The main priorities of IGC are the admission of asylum-seekers and refugees, border control and enforcement, and immigration and integration. Smuggling of migrants is one of the themes it addresses.

www.igc.ch

Migration, Asylum, Refugees Regional Initiative Regional Forum

Composed of ministers and senior officials from South-Eastern Europe responsible for migration, asylum, border management, visa and refugee return or settlement, this Regional Forum

focuses on exchanging information, experiences, lessons learned and best practices with the aim of developing a common vision for the region.

www.regionalforum.net/

Migration Dialogue for Southern Africa

The Migration Dialogue for Southern Africa aims to facilitate regional dialogue and cooperation on migration policy issues among the Governments of the Southern African Development Community. Its overall objective is to facilitate regional cooperation in migration management by fostering greater understanding of migration and strengthening regional institutional and personnel capacities.

www.queensu.ca/samp/midsa

Migration Dialogue for West Africa

The Migration Dialogue for West Africa (MIDWA) was specifically designed to encourage the member States of the Economic Community of West African States to discuss common migration issues and concerns for which immediate solutions may not be forthcoming at the national level. MIDWA promotes peace and stability in West Africa, the protection of migrants' rights, and intra- and interregional cooperation.

www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/rcp/MIDWA/MIDWA_Overview_EN.pdf

Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia (Abu Dhabi Dialogue)

The 11 member States of the Colombo Process and nine Asian destination countries formed the Abu Dhabi Dialogue. The Abu Dhabi Declaration focuses on developing key partnerships between countries of origin and destination for the development of temporary contractual labour.

www.colomboprocess.org/minis_abudhabi.php

Pacific Immigration Directors' Conference

Pacific Immigration Directors' Conference (PIDC) is a forum for the heads of official immigration agencies of the Pacific region, to meet and discuss issues of mutual interest and foster multilateral cooperation and mutual assistance to strengthen border integrity.

The principal objective of PIDC is to foster cooperation among immigration agencies within the region, for example by sharing information and providing technical assistance. It is coordinated by a permanent secretariat based in Suva. According to the PIDC Charter (of September 2005), its vision is to “provide a focal point for communication, collaboration and cooperation among PIDC members, with the aim of better managing migration flows and strengthening border management across the region, thereby contributing to improved social and economic well-being and security in the Pacific”.

PIDC aims to:

- Encourage greater cooperation, communication and liaison between participating agencies, including the development and maintenance of communication between conferences
- Foster a coordinated approach to the implementation of any policies of Forum members having a regional focus
- Coordinate the exchange of technical assistance by and between participating member agencies
- Act as a focal point for collaboration with other regional and international bodies and organizations, such as the Forum Secretariat, the Oceania Customs Organisation, the Pacific Islands Chiefs of Police, INTERPOL, IOM and other relevant United Nations agencies

The 12th PIDC meeting was convened in Brisbane, Australia, in September 2008. Forty delegates participated in the meeting, alongside representatives of international organizations and national customs and border protection authorities. The theme of the meeting was “People on the move”.

The 13th PIDC meeting was convened in Sydney, Australia, in October 2009 and was attended by 47 delegates from member States in addition to representatives of international organizations and national customs and border-protection authorities. The theme of the conference was “Focus on the future”. In this context, PIDC members endorsed research into trafficking in persons and smuggling of migrants; strengthening information management, training and capacity-building; and increased regional and international cooperation.

www.pidcsec.org

Regional Conference on Migration

The Regional Conference on Migration (RCM) consists of Belize, Canada, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States of America, with other countries from the region as observers. The three main areas of interest of RCM are migration policy and management; human rights of migrants; and migration and development. One of its priorities is cooperation to combat trafficking in persons and the smuggling of migrants.

www.rcmvs.org

Regional Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process)

The key objective of the Colombo Process is to promote improved management of labour migration. This includes offering protection and services to migrant workers, as well as capacity-building and data collection to meet labour migration challenges and improve inter-State cooperation on labour migration. The 11 member States of the Colombo Process are Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam. Technical support is provided to the Colombo Process by IOM, which also serves as its secretariat.

www.colomboprocess.org

Regional consultative process on migration of the Intergovernmental Authority on Development

The six member States of the Intergovernmental Authority on Development (IGAD) are Djibouti, Ethiopia, Kenya, Somalia, the Sudan and Uganda. Several other countries, as well as international organizations, including the African Union Commission and IOM, are involved as members of the IGAD Partners Forum. The IGAD regional consultative process on migration aims to foster greater policy cohesion, strengthen regional capacities to implement the Migration Policy Framework for Africa, and improve intra- and interregional cooperation on migration among countries of origin, transit and destination. One of its priorities is the harmonization of legislation, policy and practices with respect to the smuggling of migrants.

www.iom.ch/jahia/Jahia/policy-research/regional-consultative-processes/snapshots-selected-rcps/igad-rcp

Regional Ministerial Conference on Migration in the Western Mediterranean (5 + 5 Dialogue)

This is an informal dialogue between Algeria, France, Italy, the Libyan Arab Jamahiriya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia, together with observers IOM, ILO and ICMPD, aimed at increasing cooperation and information exchange on migration issues.

www.5plus5.tn/english/historiquedudialogue.htm

South American Conference on Migration

The South American Conference on Migration (SACM) member States are Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of). Observer States from the region and elsewhere are also involved, in addition to several international organizations, including IOM, which provides technical cooperation and logistical support. Participating Governments hold annual meetings to share information and discuss various issues, including about the smuggling of migrants. A priority for SACM is respect for the human rights of migrants, irrespective of their status.

www.iom.int/jahia/Jahia/policy-research/sacm

4.15 Interregional and international coordination mechanisms and institutions

Dialogue on Mediterranean Transit Migration

The Dialogue on Mediterranean Transit Migration (MTM) involves numerous participants from Arab partner States and European partner States as well as various relevant observers. The dialogue follows guiding principles that are intergovernmental, informal and State-driven and is aimed at supporting efforts undertaken at the international, regional and subregional levels in Africa, the Near East and Europe.

The MTM Dialogue is built on two pillars:

- Enhancing operational cooperation to combat illegal migration (or, in other terms, shorter-term measures to address irregular flows)
- Addressing the root causes of irregular flows through development cooperation and better joint management of migration (the longer-term approach)

These pillars are used as frameworks for the implementation of specific projects, but cross-pillar projects are also put in place.

www.icmpd.org/906html?&no_cache=1&tx_icmpd_pi1%5Barticle%5D=922&tx_icmpd_pi1%5Bpage%5D=926

Global Migration Group

The Global Migration Group (GMG) is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better-coordinated approaches to the issue of international migration. GMG is particularly concerned with improving the overall effectiveness of its members and other stakeholders in capitalizing upon the opportunities and responding to the challenges presented by international migration.

GMG was established by the Secretary-General of the United Nations in early 2006 in response to a recommendation of the Global Commission on International Migration for the establishment of a high-level, inter-institutional group of agencies involved in migration-related activities. GMG was created by building on an existing inter-agency group with a more limited membership, the Geneva Migration Group, which had been established in April 2003.

GMG meets at regular intervals. The Chair is held on a rotating basis by the executive heads of its member organizations. All GMG members contributed actively to preparations for the 2006 General Assembly High-level Dialogue on International Migration and Development.

GMG consists of 14 members that are actively involved in international migration and related issues:

- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Development Programme (UNDP)
- United Nations Department of Economic and Social Affairs
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Population Fund (UNFPA)
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- Office of the United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children's Fund (UNICEF)
- United Nations Institute for Training and Research (UNITAR)
- United Nations Office on Drugs and Crime (UNODC)
- World Bank
- United Nations regional commissions

According to its terms of reference, GMG undertakes regular consultations for the following purposes:

- Establishing a comprehensive and coherent approach in the overall institutional response to international migration
- Providing direction and leadership in a system-wide context and promoting interest, dialogue and debate on migration-related issues, including trade and development aspects, with Governments, employers' and workers' organizations, and civil society
- Contributing to greater consistency in policy formulation and programme implementation
- Exchanging information and expertise to improve understanding, inter-agency cooperation and collaboration, to promote synergies and to avoid duplication
- Identifying critical issues, opportunities, challenges, weaknesses, gaps and best practices
- Pooling efforts in and exchanging the results of research, data collection and analysis
- Developing common positions, responses and actions in addressing specific situations or themes
- Agreeing on common activities to develop and exchange thematic expertise among staff, especially in the field of capacity-building and inter-agency transfers
- Reinforcing the human rights, labour rights, human security and criminal justice dimensions of migration governance and management, with a focus on the protection and well-being of migrants, including victims of trafficking

- Contributing to major initiatives of GMG members and the international community, such as the 2006 General Assembly High-level Dialogue on International Migration and Development and the follow-up to the report of the Global Commission on International Migration
- Enhancing the efforts of individual States, regional bodies and regional and global consultative processes in the field of international migration
- Finding appropriate mechanisms for GMG to interact with States

In addition to regular exchanges of information on developments in the migration field and in its work, GMG undertakes research and data collection, including surveys; conducts capacity-building activities; develops compendiums of its work, experience, and effective policies and practices in different areas; and works on identifying gaps.

Its areas of work include migration and development; migration and gender; migration and human rights; and the network of interactions between international migrants, governmental entities and international organizations.

It has developed a joint initiative on an international partnership on migration and development and has also supported the efforts of States hosting and participating in the Global Forum on Migration and Development.

www.globalmigrationgroup.org

Global Forum on Migration and Development

In September 2006, the General Assembly of the United Nations held the High-level Dialogue on International Migration and Development. Over 140 Member States discussed the global implications of international migration and the mutually beneficial interaction between migration and development. The Dialogue highlighted the close relationship between development policies and migration policies, and reaffirmed how good migration governance can contribute to development and how development policies can have an impact on migration. This complex relationship is of growing importance as migration increases every year.

As a result of these discussions, a large number of United Nations Member States expressed their interest in continuing the dialogue on migration and development by means of an informal, voluntary and State-led global forum.

On 9, 10 and 11 July 2007 the first meeting of the Global Forum on Migration and Development took place in Brussels. The governmental discussions on 10 and 11 July were preceded by a meeting of civil society representatives on 9 July. This marked the start of a new global process designed to enhance the positive impact of migration on development (and vice versa) by adopting a more consistent policy approach, identifying new instruments and best practices, exchanging know-how and experience about innovative tactics and methods and, finally, establishing cooperative links between the various actors involved.

The second meeting of the Global Forum on Migration and Development took place from 27 to 30 October 2008 in Manila. The central theme of the meeting was “Protecting and empowering migrants for development”.

The third meeting of the Global Forum on Migration and Development took place on 4 and 5 November 2009 under the overarching theme “Integrating migration policies into development strategies for the benefit of all”.

www.gfmd-fmmd.org and www.gfmdathens2009.org

Recommended resource

United Nations, Commission on Human Security. *Human Security Now*. (Sales No. 03.III.U.2)

On 1 May 2003, the Co-Chairs of the Commission on Human Security, Sadako Ogata and Amartya Sen, presented the Commission’s report to the Secretary-General of the United Nations.

The report proposes a new security framework that focuses directly and specifically on people. Human security is about shielding people from critical and pervasive threats and empowering them to take charge of their lives. It demands the creation of genuine opportunities for people to live in safety and dignity and to earn their livelihood.

At a time when the consensus on the meaning of security is eroding, there is a growing fear that existing institutions and policies are not able to cope with weakening multilateralism and global responsibilities. Nevertheless, the opportunities for working towards removing the insecurities facing people are greater than ever.

The Commission concentrates on a number of distinct but interrelated issues concerning conflict and poverty: protecting people in conflict and post-conflict situations and people who are forced to move, overcoming economic insecurity, guaranteeing essential health care and ensuring universal education. In its report, the Commission formulates recommendations and follow-up activities.

The idea of an independent Commission of Human Security was launched at the United Nations Millennium Summit. The Commission was launched in 2001 as an initiative of the Government of Japan.

The Commission’s report, *Human Security Now*, proposes the development of an international migration framework that, among other issues, would include:

- Taking steps towards the orderly and safe movement of people, including increasing migratory opportunities and burden-sharing among countries
- Developing international and regional norms for the movement of people between countries and for the rights and obligations of migrants
- Formulating strategies to combat trafficking and smuggling and implementing the relevant international and regional conventions, while protecting the rights of victims
- Protecting against racism and intolerance and other human rights violations
- Developing an institutional framework

www.humansecurity-chs.org/finalreport/index.html



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