



ANNA UNIVERSITY MODEL UNITED NATIONS, 2022.

UNITED NATIONS OFFICE ON DRUGS AND CRIME

BACKGROUND GUIDE

**Agenda: Strengthening International Co-operation in addressing
smuggling of migrants.**

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LETTER FROM THE EXECUTIVE BOARD

Greetings delegates,

We take immense pleasure in welcoming you to the United Nations High Commissioner for Refugees being simulated at Anna University Model United Nations, 2022. We look forward to an exciting and intellectually stimulating conference.

We're glad that we have had the opportunity to serve as the members of your Executive Board and we assure you that this conference would be a great learning experience for all of you. Furthermore, we not only will share the knowledge that's been passed on to us by our mentors, but also impart all the knowledge that we have garnered in the last few years of our MUNing and on our own journey as delegates and EB members. For some of you, this will be your very first conference. We understand that you may have certain apprehensions and inhibitions regarding the various technical aspects of MUNs and we, as your Executive Board, will continually motivate and guide you through the minutiae of an MUN conference. In order to help you research well, we have prepared this background guide which will introduce you to the committee proceedings, its history, mandate and will further give you an overview of the agenda at hand. We hope this helps kick start your portfolio related as well as agenda related research.

This study guide, although very comprehensive and factual, provides a basic idea of the agenda and arguments in view of the United Nations and may vary from those of the respective country policies. In no way does this guide intend to confine research and thus, the delegates must make it a point not to confine their research to this guide. The guide consists of subjective and factual data with legal arguments, but this is just to make the delegates understand the ways in which they must make their addresses. At the cost of repetition, we strongly emphasise on reading this letter, the suggestions and the guiding questions given in this guide, thoroughly. This Background Guide is only intended to serve as a document introducing you to several important topics you need to know about before debating in the committee. We do not, by any means, intend for you to be limited by the topics mentioned in

this document. We encourage you to conduct extensive research individually and then lobby effectively to make the committee benefit from your unique and valuable viewpoint.

We would be following the UNA USA Rules of Procedures and hence, your analytical skills, your negotiation skills and your ability of consensus building would be of paramount importance. We would adhere to UNAUSA, figuring prominently in the proceedings with some irregularities as will be necessary as per working methods of a UNODC as well as for facilitating debate, as this will be conducted on an online platform.

As you prepare to become honorable diplomats representing your respective nations, it is imperative for each of you to understand the volume of such a position of power. We expect all of you to display immaculate diplomacy and courtesy during as well as outside the committee. We strongly urge you to be diplomatic, not demanding. We also request you to strictly adhere to your foreign policy.

Feel free to revert back to the executive board for any queries or for any form of assistance you shall need. Wishing you good luck for the conference!

Also take note that no questions to consider section is present in this background guide because the executive board does not want you all to limit the horizons of your research.

Regards,

The Executive Board

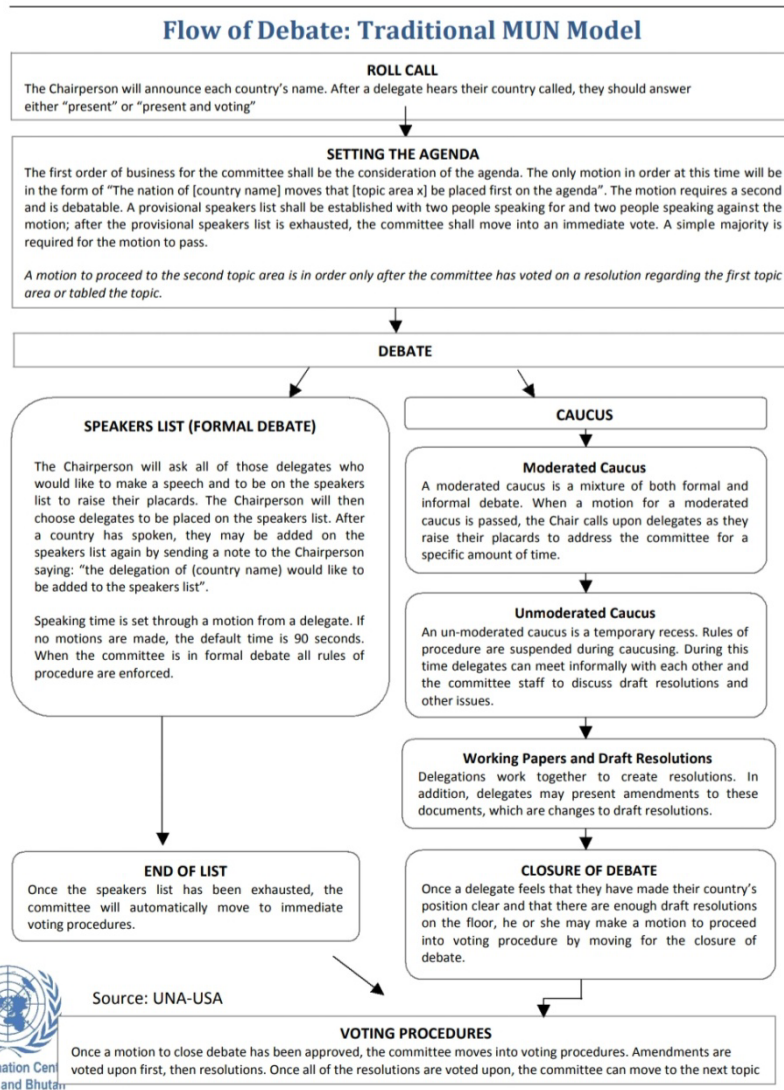
United Nations Office on Drugs and Crime

Anna University Model United Nations, 2022.

Sarbanga Mishra (Chairperson)

Varun Swaminathan (Vice Chairperson)

BRIEF EXPLANATION OF THE UNA/USA RULES OF PROCEDURE



EVIDENCE OR PROOF ACCEPTED

Following sources will be accepted as credible in the committee:

1) News Sources

a. REUTERS – Any Reuters’ article which clearly makes mention of the fact stated or is in contradiction of the fact being stated by another delegate in council can be used to substantiate arguments in the committee. (<http://www.reuters.com/>)

b. State operated News Agencies – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, they can be denied by any other

country in the council. Some examples are, RIA Novosti (Russia) <http://en.rian.ru/> IRNA (Iran) <http://www.irna.ir/ENIndex.htm>

c. ALJAZEERA (maybe accepted)

d. BBC (maybe accepted)

2) Government Reports

These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that the Executive Board as credible information can still accept a report that is being denied by a certain country. Some examples are Government Websites like the State Department of the United States of America <http://www.state.gov/index.htm> or the Ministry of Defence of the Russian Federation <http://www.eng.mil.ru/en/index.htm> Ministry of Foreign Affairs of various nations like India (<http://www.mea.gov.in>) or People’s Republic of China (<http://www.fmprc.gov.cn>). Permanent Representatives to the United Nations Reports <http://www.un.org/en/members/> (Click on any country to get the website of the Office of its Permanent Representative.)

Multilateral Organizations like the NATO (<http://www.nato.int/cps/en/natolive/index.htm>), ASEAN (<http://www.aseansec.org/>), OPEC (http://www.opec.org/opec_web/en/), etc.

3) UN Reports

All UN Reports are considered credible information or evidence for the Executive Board of this joint session. UN Bodies like the UNSC (<http://www.un.org/Docs/sc/>) or UNGA (<http://www.un.org/en/ga/>). UN Affiliated bodies like the International Atomic Energy Agency (<http://www.iaea.org/>), World Bank (<http://www.worldbank.org/>), International Monetary Fund (<http://www.imf.org/external/index.htm>), International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>), etc.

BEST PRACTICES FOR RESEARCH BEFORE AN MUN

(You can take these best practices into account, not only for this MUN but for other MUNs as well.)

1. Read the Agenda Guide, least 20 days prior to the conference and make a note of everything that needs to be understood. Do read the Background guide.
 2. In case of a crisis situation, always read and look for the analysis and plausible rationale on the updates that may be issued a week before the MUN.
 3. Google/Search everything and find relating documents (UN, News articles, Scholarly articles) for whatever was not really understood.
 4. After wholly understanding (subject to how in depth you wish to go for the research), try understanding your allotted country's perspective on the agenda!
 5. Make the stance in accordance with the country's perspective on the agenda which shall also define your foreign policy (history, past actions etc.)
 6. Understand the cues and hints that are given minutely in the Background Guide that may come handy while presentation of contentions in committee.
 7. Take a good look at the mandate of the council as to what you can discuss and what you can do in this council. This point is placed here, just because your knowledge base shouldn't be limited to the mandate of the council. Know everything, speak whatever the mandate allows.
 8. Follow the links given alongside and understand why they were given. Read the footnotes and the links and hyperlinked text.
- Predict the kind of discussions and on what subtopics can take place, thereby analysing the subtopic research you have done and prepare yourself accordingly.
 - Make a word/page's document and put your arguments there for better presentation in council.

- Ask the Executive Board your doubts, if you have any, at least 10 days before the conference by means of the given email ID and make sure to not disclose your allotted country, until you want to understand the policy of your country.
- Download the United Nations Charter, the Geneva Conventions of 1949 and additional protocols, 1951, 63 Refugee Conventions there to and other relative treaties and documents given.
- Ask questions regarding procedure to speak something etc., if you have any, ON the day of the conference.

INTRODUCTION TO THE UNITED NATIONS OFFICE ON

DRUGS AND CRIME

The normative foundation of the United Nations' work on the rule of law is the Charter of the United Nations and the body of international law, including international human rights law, international criminal law, international refugee law, and international humanitarian law. Responses to drugs, crime and terrorism that are based on the rule of law must therefore also incorporate human rights law and principles.

UNODC aims to assist Member States in building their capacity, including through criminal justice reforms as appropriate, to respect the rule of law, as well as protect and ensure legal rights that individuals and groups enjoy under domestic and international law. In practice, the Office undertakes efforts to integrate a human rights-based approach in its work, which includes the conscious and systematic integration of human rights in all stages of the programming cycle - strategy setting, programme development, resource mobilization, implementation and monitoring, and evaluation. This includes programming based on the principles of equality and non-discrimination, participation and inclusion, and accountability and the rule of law.

UNODC's global efforts contribute to ensuring access to justice for all and preventing violence, making the world safer from drugs and crime, and promoting health and wellbeing, as well as increasing the knowledge base to make informed decisions on how to effectively advance human rights.

By drawing on its expertise in crime prevention and criminal justice as well as in drug prevention, treatment and care, UNODC contributes to enhancing the enjoyment of human rights and addresses challenging human rights situations through risk mitigation. Acting as the custodian of the UN standards and norms in crime prevention and criminal justice, which promote human rights, UNODC assists Member States in reforming their criminal justice systems in order to be effective, fair and humane for the entire population, with special emphasis on protecting the rights of women and children. Regarding drug use disorders, recognized as a health condition that can be prevented and treated, the Office promotes access

to high-quality and humane health care, including measures to prevent and treat the spread of diseases associated with drug use, such as HIV/AIDS.

In the 2005 World Summit Outcome, Member States resolved that the promotion and protection of human rights should be both integrated into national policies and mainstreamed throughout the United Nations system. This was captured in the 2030 Agenda for Sustainable Development, which is anchored in human rights, pledges that no one will be left behind, and includes Goal 16, of crucial importance for UNODC's work.

In view of UNODC's extensive work with law enforcement professionals, the Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces, endorsed by the Secretary-General in 2011, is a particularly relevant guidance document.

The UNODC Position Paper on the Promotion and Protection of Human Rights, and the note by the Executive Director on Drug control, crime prevention and criminal justice: A human rights perspective, indicate a way forward to mainstreaming human rights in the work of the Office. To provide advice on how to effectively mainstream human rights into the daily work of UNODC at both the normative and operational levels, the Executive Director of UNODC established its Human Rights Advisory Group (HRAG) in 2011, composed of all senior managers and holding regular meetings.

MANDATE OF UNITED NATIONS OFFICE ON DRUGS AND CRIME

UNODC is working to mainstream a gender perspective into all aspects of its work, by making women, men, girls and boy's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of all institutional processes, programmes and activities. The Office plays a leading global role in supporting Member States in addressing organized crime, corruption and terrorism and in promoting criminal justice reform, drug demand reduction and HIV/AIDS prevention, thus contributing to the achievement of the 17 Sustainable Development Goals and their 169 targets. Through its work at the global, national and regional levels, UNODC provides support to Member States in reaching their targets under the 2030 Agenda.

A series of international instruments and resolutions call upon Member States to mainstream a gender equality perspective into their legislation and policies and to adopt special measures to promote gender equality and the empowerment of women. Those instruments and resolutions also provide guidance to the work of UNOV/UNODC.

Of particular relevance to UNODC mandates are human rights related to the areas of justice, security, and health. The prevention and reduction of all forms of violence and abuse should be at the heart of any agenda that fully recognizes the centrality of human security, both as a human rights imperative and as being integral to development.

The Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, as governing bodies of UNODC, provide UNODC with specific mandates, which consistently indicate the need to integrate human rights in States' response to drugs, crime and terrorism, through various resolutions.

The work of UNODC is guided by a broad range of international, legally binding instruments and treaties. The following three conventions form the basis of the work conducted by the organization, including the UNODC Drug Dependence Treatment and Rehabilitation unit:

Convention on Narcotic Drugs (1961) - amended by a Protocol in 1972

Convention on Psychotropic Substances (1971)

Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)

These three major international drug control treaties are complementary and aim at ensuring the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, whilst preventing their diversion and their abuse.

In June 1998, the twentieth special session of the General Assembly (UNGASS) was convened as the largest multilateral gathering ever held on combating illegal drug trafficking and abuse. With the adoption of a ten-year plan on countering the world drug problem, Member States recognized the strategic significance of the human rights dimension in both supply and demand reduction activities.

BRIEF BACKGROUND OF THE AGENDA

Migrant Smuggling is the facilitation, for financial or other material gain, of irregular entry into a country where the migrant is not a national or resident. The criminals behind this highly profitable business seize the opportunity created by the need or desire of people to escape not just poverty and lack of employment opportunities but also natural disaster, conflict or persecution.

Smuggled migrants are often subject to grave human rights abuses. While they might initially agree to be smuggled into another country, the journey can turn into anything but a consensual one. During the trip, people might be squeezed into exceptionally small spaces in trucks or onto unseaworthy boats in order for smugglers to maximize their "cargo". Migrants might be raped or beaten en route or left to die in the desert. Once they reach their destination, many find that they (or their families) are the victims of blackmail or debt bondage. The latter can involve migrants paying huge sums of money to criminals in order to settle near-impossible levels of debt out of fear of violence or fear of being deported by the authorities, which can result in them becoming victims of human trafficking.

The smuggling of migrants and the activities related to it cost many people their lives and generate billions of dollars in profit for criminals. They also fuel corruption - through the bribery of officials - and strengthen organized crime in the countries of origin, transit or destination. There is evidence suggesting that, with the ever-growing interdependence of the global economy, the involvement of criminal groups in the smuggling of migrants is on the rise.

The smuggling of migrants has an impact on the countries of origin, transit and destination. In countries of origin, families go into debt in order to pay the smuggling fee, with no guarantee for a return on their investment. Even worse, they may be left with no news from their relatives, not knowing whether they are dead or alive, in prison or victims of trafficking. In transit countries, smuggled migrants may become stranded with limited means of continuing their journey, or be deceived by smugglers. This places a heavy burden on the transit countries, particularly since migrants are usually from a different cultural background and may not understand the local language. Smugglers may also recruit for their criminal activities among local or migrant communities; thus, their illicit activity may have an impact

on the areas along the routes they use. Attempting to intercept smuggled migrants and combat the crime places a significant strain on the resources of countries of destination. If countries lack the resources and legal framework to respond appropriately to the smuggling of migrants, the crime may continue unchecked.

Before delving directly into Smuggling of migrants, a brief understanding of related paradigms like trafficking in persons are necessary to be understood.

Trafficking in persons is addressed in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol).

Trafficking for the purposes of sexual exploitation, including forced marriage or sexual slavery, by means of kidnapping and abduction is believed to be part of the strategy of certain terrorist groups. Security Council resolution 2242 (2015).

Under the Kafala system a migrant worker's immigration status is legally bound to an individual employer or sponsor (kafeel) for their contract period. The migrant worker cannot enter the country, transfer employment nor leave the country for any reason without first obtaining explicit written permission from the kafeel. The worker must be sponsored by a kafeel in order to enter the destination country and remains tied to this kafeel throughout their stay. The kafeel must report to the immigration authorities if the migrant worker leaves their employment and must ensure the worker leaves the country after the contract ends, including paying for the flight home. Often the kafeel exerts further control over the migrant worker by confiscating their passport and travel documents, despite legislation in some destination countries that declares this practice illegal. This situates the migrant worker as completely dependent upon their kafeel for their livelihood and residency. The power that the Kafala system delegates to the sponsor over the migrant worker, has been likened to a contemporary form of slavery and an indirect means of trafficking. Such a system gives the employer more leverage than the employee leading to the employee being more vulnerable and results in no legal action even in cases of abuse and exploitation. Often, when there exists a lack in manpower, smuggled migrants come in handy.

Regardless of the pre existing protocols, there is a need for a comprehensive framework for cooperation between States parties and sets out minimum standards for victim protection to

complement the wider framework of international law, including international human rights law.

States parties need to criminalize the offence of smuggling of migrants through a law framework which has minimal loopholes.

That definition should comprise three elements:

- (a) An “act” (recruitment, transportation, transfer, harbouring or receipt of persons);
- (b) A “means” by which that action is achieved (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve consent of a person having control over another person);
- (c) A “purpose” of exploitation, regardless of what type.

Now, there has to be an adherence to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children marked a significant milestone in international efforts to stop the trade in people. A vast majority of States have now signed and ratified the Protocol. Other UN responses include the Inter-Agency Coordination Group against Trafficking in Persons and the Global Migration Group, established by General Assembly resolution A/RES/61/180.

Article 35 of UNODC Model law, does bring in the concept of establishment of a national anti-trafficking coordinating body [inter-agency anti-trafficking task force] which also extends to smuggling of migrants.

The problem however remains that many of the provisions on smuggling of migrants under international law norms are optional, though in line with the intention of the Protocol to develop comprehensive and coordinated policies on smuggling of migrants and to promote cooperation between the relevant governmental agencies and between governmental and non-governmental agencies. Setting up a sustainable multidisciplinary anti-trafficking as well as anti-smuggling structure will enhance an adequate response to the above mentioned act and enable the development of best practices.

According to Article 3(a) of the Smuggling of Migrants Protocol, Smuggling of Migrants is the process of entering a person into a Sovereign State illegally for financial or material gains. The act itself is a crime against the state in which persons are entered illegally but, in the process, the rights of the persons being smuggled are prone to violation such as physical/mental abuse because of their vulnerability. Refugees, asylum seekers and other persons in need of international protection due to conflict, persecution, and other related reasons fall prey to smugglers as they try to secure their lives and property. The UNODC has a critical role to play in supporting and partnering with States and non-States actors to develop measures necessary to mitigate the smuggling of refugees by ensuring the international protection of smuggled persons. For instance, I) collaborating with UNHCR in the support and development of international best practices in the interest of smuggled persons such as ensuring that international laws of smuggling do not criminalize smuggled persons nor persons who support refugees cross state borders for humanitarian reasons. II) advocating for safer, regular, and legal pathways to migration such as the UNODC Model Law against the Smuggling of Migrants and the UNODC Toolkit to Combat the Smuggling of Migrants.

ROLE OF UNITED NATIONS AND PAST ACTION

Secondly, since the criminalization of certain actors in conflict areas can also be politically motivated, sound justifications are required for any action undertaken. Looking at the resolutions passed in the last ten years shows that the range of particular crimes mentioned remains fairly similar over time. It is not surprising that a greater focus is placed on arms trafficking and terrorism or kidnappings than, say, drug trafficking, since the link between these crimes and organized violent actors tends to be more direct. Yet, it is by no means automatic.

The Security Council Committee has justified the recent sanctions on traffickers in Libya by referring to their connections with armed groups and, primarily, their responsibility for human rights violations against migrants, particularly in detention camps. Not only information provided by the UN Panel of Experts on Libya, but also findings from Western criminal prosecution authorities pointed to the role played by the individuals now listed by

the Security Council. The exploitation and abuse of migrants in Libya has generally been well documented. The precise categorization of crimes in such contexts, however, is difficult because human trafficking is not only defined by the actual act and the means employed, but also by the intention of the perpetrator. In addition, the links to violence and violent actors are often less clear with other organized crime phenomena. Consequently, structures such as the UN Panels of Experts and the analysis cells in UN peacekeeping missions should be strengthened and better used. Above all, this could help throw light on criminal activities and groups not in isolation, but as part of the political economy of conflicts – also with regard to transnational networks and financial flows.

65 years since the fourth congress in Kyoto, Japan, the United Nations continues to intensify its efforts as the largest international entity in the fight against crime, criminal injustice, etc. through their achievements in advancing policy, international best practices and holding the international community accountable to their commitments. Albeit to the efforts of the United Nations to combat the Smuggling of Refugees, it has established a normative framework for the United Nations Protocol against the Smuggling of Migrants by Land, sea, and Air in 2005 which supplements the United Nations Convention against Transnational Organized Crime, ratified by many States. The Toolkit to Combat Smuggling of Migrants as developed by the United Nations Office on Drugs and Crime is centred to achieving three main objectives which are Combating and Preventing the smuggling of Migrants, Protecting the rights of Smuggled Migrants, and Promoting cooperation among State Parties to that effect.

BALI PROCESS

Since its inception in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) has effectively raised regional awareness of the consequences of people smuggling, trafficking in persons and related transnational crime. It is a forum for policy dialogue, information sharing and practical cooperation to help the region address these challenges. The 2018 Declaration adopted by the Seventh Bali Process Ministerial Conference currently guides the work of the Bali Process in implementing priorities directed by Ministers.

The Bali Process, co-chaired by Indonesia and Australia, has 49 members, including the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Office of Drugs and Crime (UNODC) and the

International Labour Organization (ILO), as well as a number of observer countries and international agencies. It also includes the Ad Hoc Group, bringing together those most-affected member countries, and relevant international organisations, to address specific irregular migration issues in the region.

The Regional Support Office (RSO) of the Bali Process was also established to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, and other components of migration management in the region.

The Sixth Bali Process Ministerial Conference (March 2016) confirmed the core objectives and priorities of the Bali Process through endorsement of the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime. The Declaration acknowledges the growing scale and complexity of irregular migration challenges both within and outside the Asia Pacific region and supports measures that would contribute to comprehensive long term strategies addressing the crimes of people smuggling and human trafficking as well as reducing migrant exploitation by expanding safe, legal and affordable migration pathways. The Bali Process Strategy for Cooperation has been a stepping stone to strengthen the overall work and impact of the Bali Process across the region.

The Seventh Bali Process Ministerial Conference and the Second Bali Process Government and Business Forum were held on 7 August 2018. The aforementioned 2018 Declaration will see the Bali Process advance further engagements on irregular migration with the private sector and the civil society. Recommendations from businesses to governments to enhance collaboration on tackling modern slavery were adopted and the business track was made a permanent instrument of the Bali Process. Further information is available in the following sections: Ministerial Conference and the Government and Business Forum.

Objectives

Initiated at the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali, Indonesia, the Bali Process aims to address practical issues related to smuggling, trafficking and related transnational crime. The objectives for Bali Process include:

1. The development of more effective information and intelligence sharing;
2. Improved cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks;
3. Increased public awareness in order to discourage these activities and warn those susceptible;
4. The enactment of national legislation to criminalize people smuggling and trafficking in persons;
5. Provision of appropriate protection and assistance to the victims of trafficking, particularly women and children; and
6. Assisting countries to adopt best practices in asylum management.

THE DOHA DECLARATION

On integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to address Social and Economic Challenges and to promote the Rule of Law at the National and International Levels, and Public Participation which was adopted by the thirteenth UN congress on Crime Prevention and Criminal Justice buttresses the need to integrate crime prevention and criminal justice matters to enhance a wider system coordination between States. The success of the United Nations work in the post-2015 era depended upon the central and cross-cutting elements of crime prevention, criminal justice and the rule of law, stressed high-level speakers as they opened the Thirteenth Congress on Crime Prevention and Criminal Justice in Doha today.

Adopting a statement to that effect, participants committed themselves to integrating crime prevention and criminal justice into the wider United Nations agenda, including strategies and goals related to sustainable development.

By the text of the “Doha Declaration” (document A/CONF.222/L.6), participants acknowledged the 60-year legacy of United Nations congresses on crime prevention and criminal justice and reaffirmed the cross-cutting nature of those elements. They committed themselves to holistic and comprehensive approaches to countering all forms of crime, violence, corruption and terrorism, and to ensuring that those responses were implemented in a coordinated, coherent way.

Also by the 13-page Declaration, participants acknowledged that sustainable development and the rule of law were strongly interrelated and mutually reinforcing, and reaffirmed their commitment and strong political will in support of effective, fair, humane and accountable criminal justice systems and the institutions comprising them.

To those ends, they further committed to a number of specific actions, including the adoption of comprehensive and inclusive national crime prevention and criminal justice policies and programmes; ensuring the right of everyone to a fair trial without undue delay; reviewing and reforming legal aid policies; mainstreaming a gender perspective and youth-related concerns into criminal justice efforts; and countering corruption and enhancing transparency in public administration; among others.

“Our goal is for the world to say with one clear voice, ‘today was safer and more equitable than yesterday, and tomorrow will be better than today’,” said United Nations Secretary-General Ban Ki-moon during the ceremonial opening of the Congress. Crime was devastating individuals, communities and nations around the world, he said, pointing, in particular, to drug-related violence, terrorism, human trafficking and wildlife crime. The year 2015 was pivotal, as the new sustainable development agenda’s success depended on the centrality of the rule of law.

International cooperation and coordination were critical, he said, encouraging every country to ratify and implement conventions against drugs, crime and corruption and international instruments against terrorism and to support the work of the United Nations Office on Drugs and Crime. “Our duty to the citizens of the world is to act today to prevent funds from being used to deliver tomorrow’s death and destruction,” he added.

The UN Voluntary Trust Fund (UNVTF) for Victims of Trafficking in Persons has launched the sixth Call for Proposals (Sub-grant Programme 1) to provide essential humanitarian, legal and financial aid to victims of trafficking in persons through established channels of assistance.

UNVTF is managed by the United Nations Office on Drugs and Crime (UNODC) and benefits from the strategic guidance and expertise of a five-member Board of Trustees, appointed by the UN Secretary-General for a three-year term. Since its inception, UNVTF has awarded USD 5 million in grants to more than 100 NGO projects in over 50 countries.

Objectives

This Call for Proposals takes into consideration the importance of harnessing all available resources towards the implementation of activities aimed at meeting the objectives of this Grants program.

The main objectives of this Grants program are:

to provide direct assistance and protection to vulnerable victims of trafficking in persons
to improve health and well-being, facilitate social integration and prevent re-trafficking amongst vulnerable victims of trafficking in persons

Thematic Focus and Priority Issues

This call for proposals seeks to provide funding support to not-for-profit organisations working in the area of trafficking in persons whose projects are aimed at providing immediate and essential direct assistance for vulnerable victims of trafficking in persons and migrant smuggling.

Priority shall be given to projects that target the following population:

- women and girls
- Projects targeting men and boys as well as persons of non-binary gender will also be considered.
- Priority will be given to projects tackling emerging and temporary crises scenarios in the following regions:

1. Central Asia
2. Corridor of South America to Central America and Mexico.

Priority shall be given to projects that target persons identified in the following situations:

- Persons identified among large movements of refugees and/or migrants, including internally displaced persons in Africa and other geographic regions where conflict, post-conflict and continued instability caused by socio-political tensions as well as the spill-over of climate change related displacement.
- Persons identified in or fleeing from areas where armed conflict is taking place or has recently taken place; or where there is instability caused by a breakdown of law and order.

Priority shall be given to projects that target the following forms of exploitation:

- sexual exploitation
- forced labor
- organ removal
- forced begging
- forced criminal activity
- forced marriage
- production of pornographic material
- recruitment of children into armed groups
- child trafficking in Sport

An integral component of a global effort to address trafficking in persons is the United Nations Voluntary Trust Fund which was established in 2010 within the UN global plan of action and in line with the protocol to prevent, suppress, and punish trafficking in persons which also supplements the UN convention against transnational organized crime.

INTERPOL AND FINDINGS

Operation Turquesa II (27 November – 3 December) saw authorities in 32 countries across multiple continents act on leads generated by national investigations before the operation, with support from INTERPOL's programme against the smuggling of migrants.

More than 50,000 checks against INTERPOL databases were made at air, land and sea borders as well as national hotspots throughout the one-week operation coordinated from Brazilian Federal Police headquarters in Brasilia, with round-the-clock support from INTERPOL's Command and Coordination Centre.

The operation also involved the INTERPOL Specialized Operational Network (ISON) against migrant smuggling, an international law enforcement network of specialists from immigration, customs and investigative units operating in source, transit and destination countries.

Operational highlights

Thanks to reinforced border controls, authorities in Panama arrested the subject of a Red Notice wanted internationally in connection with a murder in Mexico.

INTERPOL notices generated during the operation include 18 Red Notices for internationally wanted suspects, 367 Blue Notices for persons of interest, 188 Yellow Notices for missing persons, and 4 Purple Notices on new criminal *modus operandi*.

In Mexico, authorities arrested the alleged leader of a Mexican-based organized crime group smuggling migrants from the coast of Cuba using speed boats. Once in Mexico, the migrants were taken to a house, deprived of their liberty, threatened and tortured.

Close to 100 potential victims of human trafficking were identified and rescued in Brazil, Chile, the Dominican Republic, El Salvador, Spain and Uruguay.

More than 30 of the arrests were tied to the prevalence of sexual exploitation of female migrants and human trafficking victims.

Operation Turquesa II highlighted the growing concern that individuals who previously had a low risk of becoming victims of human trafficking have become vulnerable to this crime as a result of the pandemic and the increased desperation of at-risk individuals.

“Connecting police across continents is crucial to stem the trail of misery behind migrant smuggling.” Jürgen Stock, INTERPOL Secretary General.

“Operation Turquesa II shows how organized crime groups continue to take advantage of vulnerable people seeking a better life, especially during the COVID-19 pandemic, and

demanding large sums of money with little or no concern for their welfare,” added Secretary General Stock.

In Brazil, police action against organized crime groups such as Sonho Americano, Lei do Retorno and CaiCai III uncovered how migrants paid around USD 22,000 per person to travel from Brazil to the USA. A number of former and current local politicians are also being investigated for their potential role in such crimes.

“Operations such as Turquesa II demonstrate the importance of international cooperation between countries in the fight against organized crime, particularly against the smuggling of migrants and trafficking in persons,” said the Brazilian Federal Police Director of Investigation and Fight against Organized Crime, Igor Romário de Paula.

“Ensuring the immediate protection of the most vulnerable identified during the operation is also crucial in such high impact operations,” added Mr Romário de Paula.

CURRENT STATUS AND EVENTS

smuggling of migrants is a truly global concern, with a large number of countries affected by it as origin, transit or destination points. Profit-seeking criminals smuggle migrants across borders and between continents. Assessing the real size of this crime is a complex matter, owing to its underground nature and the difficulty of identifying when irregular migration is being facilitated by smugglers. Smugglers take advantage of the large number of migrants willing to take risks in search of a better life when they cannot access legal channels of migration.

Smuggled migrants are vulnerable to abuse and exploitation. Their safety and even their lives are often put at risk: they may suffocate in containers, perish in deserts or drown at sea while being smuggled by profit-seeking criminals who treat them as goods. As the crime is a clandestine one, accurate global figures are difficult to come by. Nevertheless, it is estimated that two of the principal smuggling routes - leading from East, North and West Africa to Europe and from South America to North America - generate about \$6.75 billion a year for criminals. The global figure is likely to be much higher.

This includes the following paradigms:

- Moving people for profit
- The harsh search for a better life
- Routes and packages
- A far-reaching crime
- Sources

There are many different ways of smuggling migrants; they range from simple to complex, from safe to dangerous and from cheap to very costly. The level of safety and ease of reaching the destination are dependent on the amount of money paid. Migrants with little financial means may opt for a "pay-as-you-go" package in which they pay bit by bit for different parts of the journey to smugglers who may not be linked with one another. These migrants are more likely to become stranded and be exposed to abuse. The more comprehensive "package deals" may be quicker, safer and have a higher guarantee of success, but they can also be considerably more expensive.

Smuggling routes can be affected by long detours and last-minute changes in the itinerary to take advantage of certain border policies or weaknesses in border control. The routes may originate and end on the same continent, be transcontinental or involve transiting through a third continent. Two examples of routes commonly used for the smuggling of migrants are the route leading from South America and Central America (as well as Mexico) to North America and the route leading from Africa to Europe.

From South America and Central America to North America:

It is estimated that just under one third of all immigrants in the United States of America are there illegally, with about 80 per cent of the illegal immigrant population in the country originating in South America (as well as Mexico). Of all illegal immigrants in the United

States, an estimated 25-40 per cent entered the country on a legal visa and then overstayed, and the remainder entered the country clandestinely. Of the latter group, 97 per cent entered the United States clandestinely through that country's border with Mexico; coastal apprehensions comprised less than 1 per cent of the total. While not all illegal immigrants are smuggled, these figures do provide an indication of the extent of the situation.

Most migrants are smuggled across the border in trucks, although there have been cases in which the crossing is made on foot, by rail or even through special tunnels. The organized criminal groups involved in smuggling migrants across the border between Mexico and the United States appear to be based largely in Mexico and Central America. For the smugglers, there appears to be little risk of arrest, as they normally pretend to be irregular migrants themselves and are repatriated rather than apprehended.

While the percentage of migrants who have been smuggled is unknown, it is estimated that Latin Americans account for around 3 million illegal entries into the United States each year, generating an annual income of about \$6.6 billion for criminals. Incidents of hostage-taking and extortion have increasingly been noted, which highlights the diverse criminal elements involved in the smuggling of migrants.

Figures for 2008 show that 88 per cent of migrants apprehended at United States borders were Mexican nationals, 3 per cent were from Honduras, 3 per cent were from Guatemala, 2 per cent were from El Salvador and 4 per cent were from other countries. The fees charged for smuggling migrants differ substantially depending on the point of origin. Migrants smuggled across the border between Mexico and the United States pay about \$2,000, while migrants from beyond Mexico (and thus needing to cross multiple borders) could pay as much as \$10,000.

Recent figures indicate that too migrants use indirect routes leading from other continents. Migrants from East Africa are transported along land routes to South Africa and then smuggled by air into Brazil. Once in South America, they then travel by sea or land to Costa Rica or Panama, or by air directly from Brazil to Mexico. Chinese and Indian migrants are often transported to Guatemala and travel from there by land to Mexico.

From East, North and West Africa to Europe:

Each year, some 55,000 migrants are thought to be smuggled from East, North and West Africa into Europe, generating about \$150 million in revenue for criminals. While the number of migrants smuggled from Africa into Europe is far lower than the number smuggled from South America and Central America into North America, the conditions are no better: long desert routes and treacherous sea crossings. While figures on fatalities can be difficult to ascertain, media reports indicate that between 1996 and 2011, at least 1,691 people died while attempting to cross the Sahara and that in 2008 alone, 1,000 deaths occurred during sea crossings.

For African migrants travelling to Europe, the motivation for leaving their country of origin mirrors that of migrants from Central America and South America: a lack of economic opportunities and political instability are two of the leading reasons. It is believed that many migrants heading to Europe from Africa are either smuggled by air with the aid of fraudulent documents or initially enter Europe legally and then remain in the country of origin.

The involvement of Organized Criminal Groups has continued to increase the number of persons smuggled coupled with the fact that many nations are now becoming strict on their migration policies. Furthermore, the rise in conflicts around the world which has created a huge number of displaced persons seeking safety, asylum or even a better life has contributed significantly to the smuggling of migrants in the past 10 years according to the UNHCR and UNDP figures.

THE KYOTO DECLARATION

On Advancing Crime Prevention, Criminal Justice, and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development is a recent event which recognizes the need to build upon the progress made since the thirteenth congress, it also includes the adoption of the sustainable development agenda 2030, analyzing the work done thus far and identifying areas that need to be improved. Despite the downgrading of civil society's role in the Kyoto Declaration, there are some positive and more nuanced elements to take away. For instance, in the declaration there is a solid understanding of crime as a development issue; there is welcome support for journalists, with a call to cease violence

against them; and there are references to issues such as hate crime and domestic violence. But, unfortunately, the overarching response to these issues does not venture beyond reaffirming existing commitments and instruments, despite the scale of the challenge that we face.

The current 14th UN Congress on Crime Prevention and Criminal Justice continues the tradition of producing a declaration, which is effectively a document that represents the congress's outcome. It also continues the trend for the increasing length of the declaration that has developed since the first congress. At 17 pages, this is the longest Crime Congress Declaration so far. This long declaration unfortunately does not, however, include new ideas or approaches, but sticks to reaffirming existing agreements.

The opening of the declaration makes some strong statements about the scale and challenge of crime, and how addressing it is linked to the achievement of the Sustainable Development Goals. This was emphasized by most speakers in the High Level Segment of the Congress over the last two days. This reflects a growing recognition by states of crime as a development issue, and not just a law enforcement one. This is something that has not always been accepted, especially in multilateral discussions in Vienna.

However, this understanding is not mirrored by an emphasis on how the response to organized crime needs to take a holistic, cross-UN development approach. Instead, it merely reaffirms the centrality of the UN Office on Drugs and Crime, and the UN Commission on Crime Prevention and Criminal Justice (CCPCJ), and calls for a focus on law enforcement and state responses (as highlighted in Part 1 of this analysis). Similarly, the UN Convention against Transnational Organized Crime (UNTOC), the UN Convention against Corruption (UNCAC), and international drug control conventions are cited as the core international instruments, the most recent of these instruments is the UNCAC (adopted in 2003).

Where new or topical issues are mentioned in the declaration, there are no new agreements or meaningful steps forward other than reiterating these existing instruments and responses.

The declaration rightly recognizes that the COVID-19 pandemic has caused social and economic harm, and has created opportunities for organized crime. However, the burden of

response here is again placed at the state level, with a commitment to strengthen resilience of law enforcement and other criminal justice institutions.

QUESTIONS TO CONSIDER:

1. How can we address the thematic issue relating to irregular migration and trafficking?
2. What are the methods and ways to strengthen collaborations between states to combat the increased proliferation of migrants smuggling in developing and conflict prone countries?
3. What can be done to prevent increased trade in humans?
4. What further role can the UN play beyond what it's doing currently?
5. Can the UN further the mobilization of domestic financial resources without encroaching on the sovereignty of the individual nations in question?
6. What 'actions' can the UN take in view of the assessments made and presented before the General Assembly?
7. How much control should developing nations be given in programs implemented in their regions by international bodies?
8. How much should economic considerations be taken into account when fighting humanitarian issues so ingrained in the black market?
9. Should the international community force countries to fight human trafficking and smuggling of migrants domestically?
10. What are the conclusions and recommendations from previous and preexisting UN documents, conventions, protocols and how can they be furthered to eliminate loopholes in the existing systems?

**ADDITIONAL LINKS AND DOCUMENTS TO LOOK UP FOR
IN-DEPTH UNDERSTANDING OF THE ROLE OF UNODC AND FOR
FURTHER RESEARCH:**

1. https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-b&chapter=18&clang=_en (UNTC)
2. <https://www.unodc.org/e4j/en/tip-and-som/module-1/index.html> (Migrant Smuggling as a Specific Crime Type)
3. https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf (Doha declaration)
4. <https://www.interpol.int/fr/Actualites-et-evenements/Evenements/2017/5th-INTERPOL-Global-Conference-on-Trafficking-in-Human-Beings-and-Smuggling-of-Migrants> (5th INTERPOL Global Conference on Trafficking in Human Beings and Smuggling of Migrants)
5. <https://evaw-un-inventory.unwomen.org/fr/agencies/unodc?unmeasure=c3f385335af44dd28a1f5f48ed654a82>
6. <https://www.dfat.gov.au/international-relations/themes/people-smuggling-trafficking> (Australian case study)
7. <https://www.unodc.org/unodc/human-trafficking-fund.html> (UNVTF)
8. <https://www.unodc.org/unodc/en/human-trafficking-fund/2022-call-for-proposals.html> (2021 call for proposals)
9. https://www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Counter-Smuggling.pdf (Countering Migrant Smuggling)

10. <https://www.swp-berlin.org/en/publication/organized-crime-on-the-un-security-council-agenda> (Organized Crime on the UN Security Council Agenda)
11. https://www.unhcr.org/4986fd6b2.pdf?__cf_chl_tk=XKM4F2oNqK2lnMH3banuzn6_knu39FbmYWuvfgT3u9c-1647589747-0-gaNycGzNCdE (Protection of refugees from Migrant Smuggling)
12. https://www.unafei.or.jp/publications/pdf/RS_No62/No62_07VE_Ollus2.pdf
(Protocol against the smuggling of migrants by land, air and sea, supplementing the united nations convention against transnational organized crime: a tool for criminal justice personnel)
13. https://www.acnur.org/fileadmin/Documentos/BDL/2014/9791.pdf?__cf_chl_tk=RpajOz_y2BAnNpESj5Jr.JOlR5cq1wA8XfbNVZhth8-1647589936-0-gaNycGzNCH0
(Non criminalization of smuggled migrants)
14. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659450/EPRS_BRI\(2021\)_659450_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659450/EPRS_BRI(2021)_659450_EN.pdf) (Understanding the EU actions against migrant smuggling)
15. https://www.unodc.org/documents/human-trafficking/Model_Law_Smuggling_of_Migrants_10-52715_Ebook.pdf (UNODC Model Law against the smuggling of Migrants)
16. https://www.unodc.org/documents/human-trafficking/SOM_Toolkit_E-book_english_Combined.pdf (UNODC Toolkit to Combat the Smuggling of Migrants)
17. <https://www.iom.int/sites/default/files/country/AP/IOM-Strategy-in-Asia-and-the-Pacific-2017-2020.pdf> (International Organization for Migration. (2016). IOM in Asia and the Pacific 2017-2020 [Report])
18. http://publications.iom.int/system/files/pdf/migrant_vulnerability_to_human_trafficking_and_exploitation.pdf ((Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes [Report])

19. <https://www.baliprocess.net/UserFiles/baliprocess/File/Bali%20Process%20-%20Policy%20Guide%20on%20Criminalizing%20Migrant%20Smuggling.pdf> (Bali Process)
20. <https://www.oecd.org/migration/Can%20we%20put%20an%20end%20to%20human%20smuggling.pdf> (OECD report on smuggling of migrants)

BEST OF LUCK !