24-28 March 2019

Documentation of the Work of the Commission on Crime Prevention and Criminal Justice
Commission on Crime Prevention and Criminal Justice (CCPCJ)

Committee Staff

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Agenda

I. Improving Coordination in Preventing and Combating Migrant Smuggling
II. Criminal Justice Responses to Cybercrime in All Its Forms
III. Restorative Justice in Criminal Matters

Resolutions adopted by the Committee

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<td>CCPCJ/1/1</td>
<td>Improving Coordination in Preventing and Combating Migrant Smuggling</td>
<td>Adopted without a vote</td>
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<td>CCPCJ/1/2</td>
<td>Improving Coordination in Preventing and Combating Migrant Smuggling</td>
<td>Adopted without a vote</td>
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<tr>
<td>CCPCJ/1/3</td>
<td>Improving Coordination in Preventing and Combating Migrant Smuggling</td>
<td>26 votes in favor, 0 votes against, 4 abstentions</td>
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Summary Report

The Commission on Crime Prevention and Criminal Justice held its annual session to consider the following agenda items:

I. Criminal Justice Responses to Cybercrime in All Its Forms
II. Improving Coordination in Preventing and Combating Migrant Smuggling
III. Restorative Justice in Criminal Matters

The session was attended by representatives of 31 Member States. On Sunday, the committee adopted the agenda of II, I, III, beginning discussion on the topic of “Improving Coordination in Preventing and Combating Migrant Smuggling.”

On Monday, the committee commenced with debate on the topic and dispersed into groups focusing on subtopics including: capacity-building, border control, information-gathering and sharing, and raising awareness. By Tuesday, the Dais received a total of six proposals encompassing these sub-topics. The collaborative spirit of the committee was evident as multiple Member States contributed to different working groups in effort to reach a consensus.

On Wednesday, the delegates were able to collaborate and structured three comprehensive proposals, with all three later becoming draft resolutions approved by the Dais. The committee adopted these resolutions following the voting procedure, two of which were adopted by acclamation and the final by roll call with 26 votes for, none against, and four abstentions. The resolutions represented a wide variety of issues, including information-sharing practices, capacity-building techniques, best legislative practices, border security, and methods to improve legal migration. These resolutions adopted by the committee embody the seriousness of migrant smuggling and took into account the humanitarian struggles faced by migrants. The delegates concluded the meeting with a short discussion on the topic of “Criminal Justice Responses to Cybercrime in All Its Forms.”
The Commission on Crime Prevention and Criminal Justice,

Guided by the purposes and principles of the Charter of the United Nations (1945), Articles 2 and 3 of the Universal Declaration of Human Rights (1948), which guarantees migrants the right to life, liberty and security, and the United Nations Convention against Transnational Organized Crime (2003),

Emphasizing the need to raise awareness of the dangers of migration in communities of origin and refugee camps, where false information and misdirected hopes drive potential migrants into the hands of migrant smugglers,

Applauding the work of the Smuggling of Migrants Knowledge Portal,

Taking note of the European Union Agency for Law Enforcement Cooperation’s (EUROPOL) European Migrant Smuggling Centre and the Joint Investigation Team (JIT) addressing cross-border crimes and the coordination of investigations and prosecutions,

Acknowledging the purpose of the Strategic Communication Division (SCD) and the constant crisis of migrant smuggling,

Recognizing the insufficient information shared among Member States regarding the registration and tracking of migrants and refugees,

1. Recognizes the important work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on promoting the full realization of human rights instituted by the Charter of the United Nations (1945) and the Universal Declaration of Human Rights (1948);

2. Suggests expanding the Smuggling of Migrant Knowledge Portal, which focuses on improving knowledge on global prosecution practices and anti-migrant smuggling legislation, to more effectively share information concerning illegal migration and migrant smuggling, including the addition of a database to the existing Smuggling of Migrants Knowledge Portal that:
   a. Collects and stores personal data and fingerprints of smugglers;
   b. Gathers information provided by national border guard agencies of the Member States on a voluntary basis to complement the current databases;

3. Further recommends the expansion of the SCD of the Department of Global Communication by adding migration as a main issue covered by the Communication Campaign Service to:
   a. Improve communication between governments by working through consisting entities, not by establishing an independent structure;
   b. Lay a foundation for permanent efficient communication by recognizing migration as a constant crisis, and giving the SCD a provisionally open-ended mandate;

4. Invites all Member States to collaborate on combating migrant smuggling by sharing information in a multilateral network of communication, established under the migrant mission of the SCD and the Smuggling of Migrant Knowledge Portal, which will provide individual information according to the needs of the respective countries by:
a. Building a sharing platform for experience of the respective executive branches with migrant smuggling;

b. Constituting a direct link between forerunners in research so that every affected Member State can benefit as soon as possible from new findings;

c. Comparing the effects of taken measures;

5. **Recommends** all Member States create a global partnership with the SCD to strengthen border security by connecting foreign ministries to coordinate the enforcement of border sovereignty by:

   a. Ensuring that travel documents are legitimate with specific identifications specific to each region;

   b. Strengthening capacity-building and border security through anti-smuggling operations, such as regional-intensive investigation to combat migrant smuggling;

   c. Collaborating at shared borders to make border posts and border control more efficient;

6. **Further recommends** using the information gathered on the SCD and the Smuggling of Migrant Knowledge Portal to create a public campaign, inspired by EUROPOL’s European Migrant Smuggling Centre’s social media campaign, to inform the general population about migrant smuggling, including the dangers of illegal migration and options of legal migration;

7. Suggests the campaign to commence by the end of the current year and to be published on media appropriate to the regions where it is spread, including various radio stations, UN social media accounts and apps;

8. **Invites** Member States and other donors to provide extra budgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.
The Commission on Crime Prevention and Criminal Justice,

Alarmed and concerned by the 2.5 million people smuggled in 2016 which generated $35 billion of income for criminal organizations,

Noting the United Nations Convention against Transnational Organized Crime (2000) and the supplementary Palermo Protocols, including the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), adopted by the General Assembly Third Committee to combat all levels of crime,

Understanding the need to address the evolving issues of migration and affirming resolutions, such as Security Council resolution 2331 (2016),

Acknowledging the measures described in the Smuggling of Migrants Protocol of 2000 and the Toolkit to Combat the Smuggling of Migrants of 2010,

Emphasizing the importance of the Salvador Declaration on Comprehensive Strategies for Global Challenges (2010) which calls upon Member States to implement appropriate legislation and awareness-raising campaigns to combat migrant smuggling,

Calling attention to the bilateral Law Enforcement Memorandum of Understanding between the United States and Cuba to ensure open communication between government offices and reduce the threat of migrant smuggling,

Acknowledging the Convention on the Rights of the Child (1989), and that children make up more than 20% of all migrant smuggling,

Considering the Global Compact for Safe, Orderly, and Regular Migration (GCM) formally endorsed by the General Assembly in December 2018 and stressing the importance of addressing international migration in a comprehensive manner since every step towards greater implementation of GCM is an act of prevention—strengthening the bonds between communities and reinforcing inclusive development and

Commending the success of the Bali Process Working Group on Disruption of Criminal Networks Involved in People Smuggling and Trafficking in Persons in the Asia-Pacific Region,

Emphasizing the importance of coordination between Member States regarding information sharing and enforcement policies to contain international criminal organizations participating in migrant smuggling,

1. Requests the Economic and Social Council (ECOSOC) advise the International Organization for Migration (IOM) to establish an Influencing Initiative on Cross-Border-Crime (IIBC) to encourage all Member States to affirm willingness to implement any portion of Clauses 2-9 with the aim of prosecuting migrant smugglers through:
   b. Each detailed action plan with each Member States being provided with necessary technical assistance as a part of the IIBC;
2. Requests ECOSOC consider the assistance of the Secretary-General and/or General Assembly to seek consensus from Member States on their use and application of the Global Compact on Safe, Orderly, and Regular Migration in their fight against migrant smuggling to:

   a. Monitor the effectiveness of the framework;

   b. Assess areas in which Member States need assistance;

3. Encourages Member States to further implement the United Nations Convention against Transnational Organized Crime and the supplementary Palermo Protocols and take advantage of programs developed to aid in their implementation such as:

   a. The Toolkit to Combat Smuggling of Migrants, established to aid Member States in the implementation of the Palermo Protocols;

   b. The Global Action Against Trafficking and the Smuggling of Migrants, designed to improve the implementation of Palermo Protocols, further strategies, frameworks, and service for all Member States;

4. Recommends the expansion of the United Nations Office on Drugs and Crime (UNODC) Smuggling Migrants Knowledge Portal to provide information and comprehensive research on migrant smuggling through:

   a. Increased visibility of public campaigns, through a database to increase regional and international involvement from governments, civil society, the corporate sector and individuals alike;

   b. Further implementation of the United Nations Convention against Transnational Organized Crime and specifically the Palermo Protocols;

   c. Highlighting successful prosecutions and promoting awareness of the involvement and modus operandi of organized criminal groups;

   d. Expansion of joint-initiatives such as the Global Action to Prevent and Address Trafficking in Persons and Smuggling of Migrants (GLO.ACT) to plan and implement a strategic national counter-trafficking and counter smuggling efforts through a prevention, protection, prosecution, and partnerships approach;

   e. Releasing an annual Global Study on Smuggling of Migrants to analyze government compliance under the minimum standards established by Protocol Against the Smuggling of Migrants;

5. Requests UNODC restructure Tool 8 of the Toolkit to Combat Smuggling of Migrants for the goals of:

   a. Strengthening partnerships for technical assistance and capacity-building to counter migrant smuggling with Member States, relevant organizations, the private sector and civil society;

   b. Utilizing law enforcement experts that provide technical information on intelligence-led investigation methods and how to pursue arrest warrants through diplomatic channels;

   c. Increasing, for the response of smuggling by air, anti-corruption response via trainings and workshops for airline and airport authorities and law enforcement to cooperate on an improved level as well as to send anti-corruption teams that provide training at the local level;
6. **Directs attention** to the social and cultural benefits of educating the public on the threat migrant smuggling poses to migrants through public awareness campaigns and adopting legislation in order to:

   a. Replicate the success of UNODC public education campaign #DeadlyBusiness, adopted by 11 Member States of the Regional Conference on Migration (RCM) to raise awareness of migrant smuggling;

   b. Provide a more vigilant public engaged in combating migrant smuggling;

   c. Generate a conscious public that is informed on the impact of migrant smuggling;

   d. Encourage Member States to develop more comprehensive legislation addressing and preventing migrant smuggling through public engagement;

   e. Use the appropriate means best suited to each Member State’s culture such as social media, TV and radio platform, newspapers, and street advertisement;

   f. Allow each of the following regional organizations to coordinate the campaign in the best interest of local migratory fluxes such as the South Asian Association or Regional Cooperation (SAARC), European Border and Coast Guard (EBCG), Arab Maghreb Union (AMU) and Southern African Development Community (SADC), and Union of South American Nations (USAN);

   g. By considering that regional organizations mentioned above shall report to UNODC, which will supervise the overall process through the funding of the campaign and taking part in the discussions and negotiations related to each regional organization;

7. **Encourages** the international support of the Bali Process to increase the exchange of information by governments and intelligence agencies of Member States, regarding dismantling transnational professional smuggling networks by:

   a. Increasing the resources and information available to national authorities in States who are parties to the Bali Process;

   b. Fully supporting the Ad-Hoc group in developing practical outcomes at the operational level to assist countries in mitigating irregular migration movements;

   c. Further utilizing the Ad-Hoc Steering Group to provide concrete recommendations to inform future regional cooperation on people smuggling and trafficking in persons;

   d. Using the Advanced Passenger Information (API) to support and enhance border security to keep track of the whereabouts of migrants further reducing the threat of migrant smuggling;

8. **Further invites** all Member States to cooperate with the International Criminal Police Organization’s (INTERPOL) Specialized Operational Network, the IOM, and other UN agencies to maintain state security for all residents, migrants, and refugees through the implementation of:

   a. INTERPOL-approved training programs and capacity building programs such as the INTERPOL Global Academy, which creates a network of training partners for Member State’s law enforcement and government officials to utilize;

   b. Practices, policies, and agreements that open communication with other Member States to ensure migrant safety, particularly utilizing the Command and Coordination Centre (CCC) which is the first point of contact for States seeking assistance in investigations;
c. Criminal prosecution for migrant smugglers to decrease the incentive of migrant smuggling;
d. Providing technical support for the countries of origin and destination to handle migrant processing;

9. **Prioritize** the protection of children by developing a working cooperation with United Nations Children’s Fund (UNICEF) to support their programs in child protection, by:
   a. Helping to provide a living wage for parents so children do not have to support the family;
   b. Lobbying governments and other partners to develop laws and strengthen child protection;
   c. Creating systems to prevent smuggling;
   d. Supporting the training of professionals working with children including social workers, health workers, police, and border officials to identify and investigate smuggling;
   e. Improving their access to health care and education during their migration process;

10. **Recommends** Member States develop and establish formal migration systems that assist in responsible migration practices by improving the visa system for a functional and effective bureaucracy;

11. **Encourages** citizens denounce smugglers to the authorities to make the prosecution faster and more distinctive by:
   a. Creating a strategy for citizens to get involved in the detection process through reporting suspicious behaviors, testifying against and denouncing smugglers, and charge-free and anonymous platforms or hotlines provided by UNDOC;
   b. Suggesting UNODC create transnational migrant support program to ensure the safety of the migrants reporting smugglers by offering protection before, during and after the trial and assistance to procure visas for refugees and migrants;

12. **Requests** the United Nations Crime Prevention and Criminal Justice Fund provide resources for technical assistance to create robust and affordable systems for Member States to utilize in establishing sustainable, legal, and responsible migration practices;

13. **Reaffirms** the necessity to subvert criminal networks and illicit economies with the use of:
   a. Multifaceted state-building effort to strengthen the bonds between the states and marginalized communities vulnerable to participation in the illicit economy:
   b. Inclusive national policies concerning marginalized communities;
   c. Developing governmental enforcement measures relating to social integration;
   d. The establishment of a recommended UNODC response mechanism to support Member States in responding quickly to illicit activities regarding trafficking in person.
The Commission on Crime Prevention and Criminal Justice,

Recognizing that, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the migrants’ rights to housing, health, and education are being violated, which goes against the Sustainable Development Goals (SDGs) and the Universal Declaration of Human Rights (1948) guaranteeing the inherent dignity and equal rights of all members of the human family,

Emphasizing the socio-economic hardships and the absence of legal channels in Member States of origin for migration that serve as a catalyst for irregular migration as per the International Organization for Migration (IOM) Snapshot 2018, and that many Member States of origin have open work opportunities that they themselves are unable to fill,

Identifying the exploitation of social services, programmes, and initiatives in destination Member States through the falsification of legal documents,

Recognizing the lack of awareness of the dangers of migrant smuggling due to a deficiency of migration information centers,

Noting the increase of checkpoints and border control alone does not tackle the core causes of migrant smuggling,

Emphasizing the usefulness of the Smuggling of Migrants Portal under the United Nations Office on Drugs and Crimes (UNODC) for providing legislative and case law information and the Annual Migration Reports published by the IOM but recognizing the need for more substantive data sharing between Member States,

Acknowledging that an increasing number of migrants are turning to migrant smugglers for assistance, thus increasing the burden of Member States without sufficient capacity, as the Migration Research Leaders Syndicate in Support on the Global Compact on Migration (2018) published by the IOM indicates,

Aware of the implications involved with credential recognition that some migrants face as they try to apply for employment in their respective destination Member States and have to settle for a job below their qualifications,

Cognizant of the transnational nature of migrant smuggling, the need for multilateral cooperation, and the need for sufficient and effective judicial cooperation between international prosecutors from destination Member States as well as transit states to dismantle migrant-smuggling networks,

Deeply concerned by 2018 Global Study on smuggling migrant in which highlight that at least 2.5 million migrants were smuggled in 2016 and generated a minimum annual income for smugglers of about $5.5 - $7 billion,

1. **Invites** Member States to facilitate international cooperation and dialogue on the protection of migrant rights and legal migration, inspired by initiatives such as the Khartoum Process, which serves as a platform for cooperation between Europe and the Horn of Africa;

2. **Suggests** Member States to cooperate with non-governmental organizations (NGOs) and various UN bodies such as the International Telecommunications Union (ITU) on the United Nation High
Commission for Refugees Resettlement Handbook in order to extend the influence of communication channels;

3. **Encourages** Member States to utilize incentives such as legal amnesty as each Member State sees fit to obtain witness information confidentially from migrants that have been exploited by smugglers, with the understanding of each Member State’s responsibility to secure safety for their witnesses;

4. **Recommends** expanding the mandate of the open-ended intergovernmental expert group conducting a comprehensive study of the problem of cybercrime and responses to it by Member States and the private sector to include the illegal smuggling of migrants and be staffed appropriately:
   - a. Including the exchange of information on national legislation, best practices, technical assistance, and international cooperation;
   - b. Examining options to strengthen existing frameworks and to propose new national and international legal responses to the illegal smuggling of migrants;

5. **Recommends** that Member States establish specialized agencies or designate existing offices to serve as single point of contact for national and international coordination and collaboration to facilitate the exchange of information with the expert groups, to coordinate the improvement of their national legal system, and to create clear competencies;

6. **Recommends** the creation of a capacity-building program with border security officials headed by the expert group generating manuals methodologies quick action procedures and practical guidelines to facilitate work to them and help early identification of victims, to Members States which may ask in order to improve border security and criminal prosecution;

7. **Invites** all willing Member States to facilitate transnational collaboration between prosecutors and create an initiative like the European Union’s Joint Investigation Team to serve as an international program which would give the possibility for prosecutors across the world to operate internationally and institute legal proceedings against every criminal involved in the smuggling of migrants;

8. **Invites** willing and able Member States to build the capacity of prosecutors to address migrant smuggling through workshops modeled after the UNODC’s Workshop on Investigating and Prosecuting Migrant Smuggling which trained national prosecutors on national and international frameworks regarding migrant smuggling;

9. **Encourages** all Member States to share information about their respective national situation of migrant smuggling on a voluntary basis in a yearly report, utilizing relevant quantitative data, that focuses on the smuggling of migrants through portals such as the Knowledge Management Portal on Migrant Smuggling, containing but not limited to:
   - a. The identity of known smugglers and their financing if known;
   - b. Known or assumed transnational organized migrant smuggling networks;
   - c. Former smuggling routes and variations;
   - d. Groups of vulnerable peoples;
   - e. Strategies of the irregular crossing of borders as well as sharing best combating strategies and successful operations against migrant smugglers;
   - f. Modes of measurable data collection;
10. **Recommends** Member States to report information on a voluntary basis on current migration flows as frequently as possible to the UNODC:

   a. To enable the prediction and adequate reaction to spikes in migration and the corresponding strikes in migrant smuggling;

   b. Allow for a real-time version of international migration flows to and from selected Member States report being regularly prepared by the United Nations Secretariat;

11. **Calls upon** all Member States to establish and maintain their legal framework for migration excluding asylum seekers and refugees or any other form of forced migration to combat the abuse of social services:

   a. Recognizable, consistent, and documented work experience or education is necessary within their Member State of origin before reaching the destination state;

   b. Falsifications on documents such as travel documents, birth certificates, medical records, or other credentials are subject to penalization such as forfeiting the right of state;

   c. The limitation at a percentage of Member States’ populations of migratory employees that is appropriate to the regional and socioeconomic background of the hosting Member State given the employment capabilities are available;

12. **Asks** the Development of Migration Information Centers on national and local levels to provide legal migration information to potential migrants regarding safe and legal networks for migration to avoid the exploitation of migrants at the hands of smugglers disguised as NGOs or other legitimate bodies by utilizing policies similar to the Khartoum Process Better Migration Management Initiative;

13. **Expresses** its appreciation for the able Member States who consider the implementation of programs for migrants with recognizable past work experience to fill open positions in their economies by:

   a. Encouraging migrants to pursue safe, regular, and responsible migration routes;

   b. Taking into consideration the initiatives put forth by the European Employment and Job Mobility Network (EURES) that seeks to provide and inform migrants of open work opportunities in European destination Member States and to directly connect these migrants with employers;

   c. Recommending that Member States partner with the International Labour Organization (ILO) to model programs after the one-year work permit program to build capacity for destination states by expanding the availability of permits to provide economic opportunities to migrants, including but not limited to:

      i. Seasonal employment;

      ii. Trade and skilled labor opportunities;

14. **Recognizes** the need to implement existing measures to provide awareness raising information and communication channels such as:

   a. The *Toolkit to Combat the Smuggling of Migrants* with particular attention to the final 5 sections giving awareness-raising campaigns and offering guidance to journalists and media in fulfilling its role in the prevention of migrant smuggling;

   b. Creating print, audio, and visual material to inform the public on an international level which includes but is not limited to teaching material for schools, universities, workplaces, social media campaigns, television, and radio broadcasts;
c. Promoting the International Migrant Day, 18 December, to reinforce the awareness Member States should give special focus to a non-exhaustive list of identifying indicators or traits of human smuggling and abuse victims produced by the AIRE Center;

d. Implementing international prominent figures to promote legal and safe migration as ambassadors;

e. Provide national and international programs housed under the IOM and United Nations Entity for Gender Equality and the Empowerment of Women to promote and respect the rights of migrants, especially women and children, by helping to restore and prevent the negative effects of migrant smuggling;

15. **Draws** attention to the creation of sustainable and genuine job opportunities within origin Member States to improve socio-economic conditions to reduce emigration:

### a.
Following the framework of the United Nations Food and Agriculture Organization (FAO) and extend to other lines of work in the primary, secondary, tertiary, and quaternary sectors;

### b.
Encourage members to invest in these Member States and utilize their abundance of resources to create more economic opportunities;

### c.
For the primary and secondary sectors, skills needed are resembling from one country to another and consequently could be transferable by going through a "skills certification week" put into place by the employer;

### d.
Tertiary and quaternary sectors require academic skills and shall be assessed by an academic assessment organized by the government which would be independent from the university where the prospective worker would have gotten their degree from such as the World Education Services (WES), which provides Educational Credential Assessments (ECAs) for degrees and diplomas earned outside of destination states;

### e.
Preventing emigration of younger individuals to ensure a stable forecasted society and economy;

### f.
Fostering the establishment of Public-Private Partnerships (PPPs) to facilitate capacity building of the economic sphere in specific Member States lacking sufficient opportunity in order to create inclusive environments for labor migrants;

16. **Encourages** Member States to utilize pre-existing regional alliances such as the Economic Community of West African States, or create new partnerships as needed, as an opportunity for Member States to collaborate on the following:

### a.
The creation of a regional action plans to deal with the migration of refugees in times of crisis that would amplify the number of refugees or asylum seekers in the short term, such as natural disasters;

### b.
Discussion of best practices and sharing of key information regarding smuggling trade routes in consideration of territorial and climatic conditions, and human and technological resources of the respective Member States;

### c.
Greater understanding of each Member State’s needs and migration policy within the region in order to encourage legal and safe migration between Member States;

17. **Suggests** that Member States adopt campaigns to raise awareness about the dangers and misinformation surrounding migrant smuggling, inspired by some Member State’s national
awareness-raising campaigns on the dangers of irregular migration, which works to educate youth on these dangers using digital and traditional media.