**WORKSHOP**

**For the Development of the Counter-Smuggling Workplan**

**Of the Liaison Officer Network to Combat Migrant Smuggling and Trafficking in Persons**

**Regional Conference on Migration**

San Jose, Costa Rica

13-14 March 2018

**CONCEPT NOTE**

**BACKGROUND AND RATIONALE**

Since the inception of the Regional Conference on Migration (RCM) (agreements from the second Tuxtla Summit in 1996), the countries in the region have affirmed their commitment to work toward harmonizing legislations to typify migrant smuggling and other related offences as a crime and to combat these crimes.

At the subsequent meetings of the Regional Consultation Group on Migration (RCGM) and the RCM, the topic gained relevance as the RCM Member Countries shared their experiences in combating migrant smuggling, showing their determination to coordinate efforts to combat organized criminal groups involved in migrant smuggling through the exchange of timely information and through promoting a better understanding of the phenomenon, raising awareness among the general public about the harmful effects of migrant smuggling.

A response to address the magnitude and complexity of the issue in the region that should be highlighted is the creation of the Liaison Officer Network to Combat Migrant Smuggling and Trafficking in Persons, established in Costa Rica in 1999.

In 2016, the International Organization for Migration (IOM) developed and submitted to the RCM a set of *Recommendations for Strengthening the Regional Strategy against the Smuggling of Migrants and Trafficking in Persons*[[1]](#footnote-1). This document represents an effort to make available tools for persons in charge of the development of public policies and programmes to address migrant smuggling and trafficking in persons.

Among the set of recommendations and actions to combat migrant smuggling, the establishment of a regional action plan against the smuggling of migrants should be highlighted. This is justified by the need to develop actions at the regional level and not only at the local or national level, “on the basis of two premises:

1. That all countries are directly aligned with the migration route toward the United States, including the Dominican Republic, for continental as well as transcontinental migration flows.

2. That migrant smuggling activities have been identified in every RCM Member Country”.

Therefore, while it is undisputable that each country in the region has made remarkable progress – for example, in terms of intelligence processes and promoting cooperation through the successful implementation of various regional efforts – common regional objectives and actions to be implemented in the medium term need to be strengthened and framed within a regional strategy. The report by IOM recommends the establishment of a “permanent regional platform with coordinated resources to obtain updated information which is shared ‘in real time’ throughout the region”, whose core would be the plan to be developed during the proposed workshop.

After receiving IOM recommendations in November 2016, the Regional Consultation Group on Migration (RCGM) met on 20-22 June 2017 in San Salvador, El Salvador with participation of representatives from Canada, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama and the United States. The RCGM decided, among other conclusions, to accept the **Report from the Liaison Officer Network to Combat Migrant Smuggling and Trafficking** and to ask the RCM Member Countries and the RCM Technical Secretariat (TS) to follow up on the items set forth in the report, as appropriate.

Furthermore, the report establishes the following in Paragraph 2.c) : “**To thank IOM and accept its offer to provide technical accompaniment during the development, by the TS, of a draft the Counter-Smuggling Work Plan of the Liaison Officer Network to Combat Migrant Smuggling and Trafficking. To this end, the IOM will support the organization of a workshop for the development of the Plan”**.

In addition: “d. To gracefully recognize the support from RNCOM to work together with the Member Countries, the TS and the IOM for the elaboration of the Plan.

e. Consider the offer from IOM to draft a proposal of the indicators on the compliance with the Protocol against the Smuggling of Migrants by Land, Sea and Air as a useful tool to monitor the progress on this subject, which would contribute to nourish the Work Plan of this Network”.

The Network suggested (Paragraph 7) that the RCGM approve the workshop:

**“7. (…)**

**b. Workshop for the development of the Counter-Smuggling Work Plan of the Liaison Officer Network to Combat Migrant Smuggling and Trafficking, to be held in Costa Rica in August 2017.”**

In view of the above, IOM has developed the following methodology proposal to conduct a workshop on the development of a draft work plan to combat migrant smuggling.

The workshop will be oriented toward the Liaison Officer Network to Combat Migrant Smuggling and Trafficking of the RCM. In addition, in order to strengthen cooperation and synergies between the different existing spaces, representatives from the Regional Coalition against Trafficking in Persons and Migrant Smuggling will be included, in compliance with the following, set forth by the Liaison Officer Network to Combat Migrant Smuggling and Trafficking in the previously mentioned report:

“6. To thank the Regional Coalition against Trafficking in Persons and Migrant Smuggling for the presentation and to recognize the importance of the rapprochement between the Coalition and the RCM. In this regard, the Coalition shall invite the RCM to participate in future activities and vice versa.”

### The proposed workshop will be developed by IOM within the framework of the Mesoamerica Program, “Strengthening Capacities to Protect and Assist Migrants in Vulnerable Situations” under its Pillar 4 of cooperation, which refers to promoting dialogue and coordination at a regional level. The Programme is financed by the US Department of State, Bureau of Population, Refugees and Migration.

Furthermore, IOM will provide technical assistance for the development of the workshop, within the framework and in accordance with the efforts implemented in the region to combat migrant smuggling, oriented toward supporting States in the development of procedures and processes that enable law enforcement agencies to more efficiently identify migrant smugglers, under the following central themes:

• To provide protection and assistance to smuggled migrants;

• To address the causes of migrant smuggling;

• To enhance State’s capacity to disrupt the activities of migrant smugglers;

• To promote research and data collection on migrant smuggling.

**OBJECTIVES**

**GENERAL OBJECTIVE**

* 1. The workshop will be designed to contribute to the development of the Counter-Smuggling Work Plan of the Liaison Officer Network to Combat Migrant Smuggling and Trafficking, of the Regional Conference on Migration, with the aim of promoting medium- and long-term strategic policies and actions at the regional level[[2]](#footnote-2).

**SPECIFIC OBJECTIVES**

During the workshop, input is expected to be generated by the RCM Member Countries under the following specific objectives:

* To have a counter-smuggling regional planning tool in place, with a comprehensive approach;
* To strengthen regional coordination and follow-up on actions and policies developed on this matter;
* To offer regional common goals in terms of preventing and combating migrant smuggling, including protection of the most vulnerable migrants, in accordance with the Guidelines established by the RCM[[3]](#footnote-3);
* To enable the development of more standardized operating procedures in the different countries in the region;
* To promote collaboration and complementariness with other regional spaces addressing the topic to a certain extent (for example, the Regional Coalition Against Trafficking in Persons and Migrant Smuggling; the Commission of Police Chiefs and Directors for Central America, the Caribbean and Colombia; the Ad Hoc Working Group on Extraregional Migrants[[4]](#footnote-4) (RCM), etc.).

**METHODOLOGY**

The two-day workshop will be held in San José, Costa Rica. The following will be addressed:

1. **Basic Concepts and Background:** Technical input and the basic concepts in terms of planning will be developed by the IOM; the background within the framework of the RCM by its Technical Secretariat.
2. **Best Practices:** Presentations by countries from the region or other countries addressing the matter.
3. **Development of the Work Plan:** Based on work matrixes for the central themes, the working groups will identify, discuss and further examine the objectives of each central theme and propose key regional strategic actions to be implemented within a previously agreed timeframe (for example, a five-year plan).

The results will be presented in a plenary session. Each working group will have two facilitators (IOM and a country representative) to guide the technical discussions and generate the various inputs to develop the core of the action plan. Subsequently, the facilitators of each group will present the input of the group at a plenary session before all inputs are consolidated by IOM and the RCM Technical Secretariat and a final draft is submitted for consideration by the Regional Conference of Migration.

In regard to the potential working groups and thus, the possible central themes of the work plan, IOM submits the following for consideration:

1. **Intelligence/Investigation: Data Collection and Exchange[[5]](#footnote-5)**

* Strategic actions to generate and manage actionable intelligence, by country and between countries (bilateral, multilateral and regional);
* Proposing standardized procedures that should be applied once the crime has been detected;
* Strategic actions for collaboration and/or sharing (including sensitive issues such as the use of shared networks, computer systems and data bases).

1. **Cooperation, Police and Judicial Response**

* Developing regional objectives and standards for the execution of interdictions, detention of persons who have violated immigration laws and criminal prosecution of migrant smuggling and related crimes;
* Defining a permanent regional training plan for inter-institutional teams, ensuring the exchange of best practices;
* Designating a primary focal point to combat migrant smuggling in each RCM Member Country.

1. **Administrative Detention – Alternatives**

* Developing regional standards for the establishment and management of detention and retention centres and shelters;
* Reviewing policies on alternatives to detention and the "consequences" of lack of compliance with administrative procedures.

1. **Migration Solutions, Prevention and Assistance for Migrants Victims of Related Crimes**

* Establishing migration solutions for smuggle migrants who are not victims of another crime (legislation on repatriation, regularization policies, admission for humanitarian reasons, asylum, processes and coordination).
* Developing guidelines for the protection of victims of crimes associated to migrant smuggling (theft, fraud, trafficking in persons, extortion, violence, sexual violence, etc.);
* Defining joint prevention actions in the region and cooperation with third countries (campaigns, training, etc.).

For all central themes, the indicators of compliance with the Protocol against the Smuggling of Migrants by Land, Sea and Air are considered as input for the development and follow-up on the implementation of the plan, once it has been approved.

At the end of the workshop IOM, together with the RCM Technical Secretariat, will finalize the process of consolidating the generated input and will submit a draft plan for consideration by the authorities of the RCM.

**PROFILE OF PARTICIPANTS**

The workshop is oriented toward representatives from the RCM Member Countries through its Liaison Officer Network to Combat Migrant Smuggling and Trafficking. Four to five participants from each country are expected to attend, with the following roles:

* Prosecutors with prosecution functions for crimes associated to migrant smuggling;
* Immigration directors;
* Directors or chiefs of the Immigration Police, with the role of supervising the enforcement of migration legislation;
* Primary investigators of crimes associated and related to migrant smuggling;
* Representatives of the Ministries of Foreign Affairs.

IOM will cover the participation costs of **three participants per country** according to the profiles stated above. Additionally, IOM will cover the costs of participation of one representative of the Regional Coalition against Trafficking in Persons and Migrant Smuggling; and one representative from the Regional Network for Civil Organizations on Migration (RNCOM).

In addition, the workshop will be open to the participation of representatives from observer organizations of the RCM who wish to attend.

1. <http://rosanjose.iom.int/site/sites/default/files/Recommendations%20for%20Strengthening%20the%20Regional%20Strategy%20Against%20the%20Smuggling%20of%20Migrants%20and%20Trafficking%20in%20Persons%20.pdf> [↑](#footnote-ref-1)
2. The period of validity of the plan will be discussed during the workshop. IOM proposes a period of a minimum of five years. [↑](#footnote-ref-2)
3. Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrant Populations in Vulnerable Situations (<http://www.programamesoamerica.iom.int/sites/default/files/LINEAMIENTOS%20ingles.pdf>) [↑](#footnote-ref-3)
4. At its most recent meeting held in Mexico, on 6-7 July 2017, the group included among its agreements the need to strengthen synergies with other spaces, such as for example, the Liaison Officer Netowrk to Combat Migrant Smuggling and Trafficking of the RCM. Item 3.3 of the report from the meeting. [↑](#footnote-ref-4)
5. This first group could be integrated under the Cooperation for Police and Police Response, as an alternative. [↑](#footnote-ref-5)