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Annex IV to the Agreement establishing the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa and its internal rules

Action fiche of the EU Trust Fund to be used for the decisions of the Operational Committee

1. IDENTIFICATION

Title/Number	**Dismantling the criminal networks operating in North Africa and involved in migrant smuggling and human trafficking (T05-EUTF-NOA-REG-05)**		
Total cost	Estimated total cost: **EUR 15 000 000** Total amount from Trust Fund: EUR 15 000 000		
Aid method/Implementation methods	Indirect management with an international organisation		
DAC code	150, 15113, 15130,	Sector	

2. GROUNDS AND BACKGROUND

2.1. Summary of the action and its objectives

This Action consists of a regional intervention covering North of Africa countries (Egypt, Libya, Tunisia, Algeria and Morocco) to be adopted during 2017 under the European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (i.e. "Trust Fund"), building on the priorities set by the European Commission in the joint Communication "Migration on the Central Mediterranean Route: Managing flows, saving lives" released on 25 January 2017 (i.e. 'Stepping up the fight against smugglers and traffickers' and 'increased cooperation with Egypt, Tunisia and Algeria – preventing irregular migration and displacement of routes'), confirmed and further developed by the European Council in the Malta Declaration issued on 3 February 2017.

Human trafficking and migrant smuggling are forms of transnational organized crime that particularly affect the North African region, with most countries in the region being origin, transit and destination countries. The proximity of North African shores to Southern Europe has made North African countries an attractive hub for irregular migration. The harsh terrains of the Sahara Desert and the tenuous sea journey across the Mediterranean have created demand for smuggling networks to facilitate entry into many North African countries from the South and for travel towards Europe from the North. Of major concern at present is Libya, as it has become the main hub for trafficking and smuggling routes from Sub-Saharan Africa to many European and MENA countries.

The destabilizing effect of such trafficking flows and their impact on development and security in North African countries are serious, posing a threat to governance and stability in the entire region and beyond. Criminal networks have intensified their operations in the region and there is increased evidence of connections between organized criminal networks and terrorist groups. Furthermore, the profits generated from illicit trafficking activities, including migrant smuggling and human trafficking, can be used for corruption.

Hence, supporting the countries in the North African region to effectively dismantle criminal networks is key to the stability and development of the region. The present Action Document directly responds to those threats, while at the same time upholding the rights of migrants, refugees, asylum seekers and vulnerable groups.

The overall objective is to contribute to reducing enablers of - and mitigating vulnerabilities arising from - irregular migration in Algeria, Egypt, Libya, Morocco and Tunisia by focusing on the dismantling of organized criminal groups involved in migrant smuggling and human trafficking. To this end, the Action aims to implement a comprehensive capacity-building approach to further enable North African countries countering the growing challenges posed by organized criminal groups involved in migrant smuggling and human trafficking. This approach will help authorities, in particular relevant the law enforcement agencies and criminal justice practitioners in Algeria, Egypt, Libya, Morocco and Tunisia, to adopt a qualitative enforcement approach focusing on dismantling criminal networks and thus go beyond the arrest of low-level criminal operatives. In order to

achieve this, interventions will focus on four strategically-important areas to effectively tackle migrant smuggling and human trafficking to, through and from North Africa: 1) Strengthening identification and interception capacities at border crossing points and in key hub cities along smuggling routes, including improved regional information sharing and cooperation; 2) Further improving the capacities of law enforcement officers and other relevant practitioners in the effective investigation of migrant smuggling and human trafficking cases, including a focus on assisting and protecting victims; 3) Supporting the specialization of law enforcement agencies by establishing solid knowledge and skills on the use of special investigation techniques, including criminal intelligence analysis, forensics and digital forensics; and 4) Further improving the capacities of justice practitioners in the effective prosecution and adjudication of migrant smuggling and human trafficking cases, including through regional and international cooperation.

Given the particular vulnerability of Libya when it comes to migrant smuggling and human trafficking, special attention is given to that country with a set of interventions exclusively focusing on Libya's needs, including support to the Libyan Department to Counter Illegal Migration (DCIM), legislative support regarding the revision of laws concerning irregular migration and human trafficking. Furthermore, inter-agency as well as cooperation between Libya and neighbouring countries, and countries on the other side of the Mediterranean, will be supported.

The activities proposed, that will be implemented by UNODC, are based on consultations with the five North African countries and build on UNODC past and ongoing initiatives aimed at enhancing border security and combating illicit trafficking, including migrant smuggling and human trafficking, in the MENA region. These initiatives have allowed UNODC to develop solid and trustful relations with authorities in the region, acquire a first-hand understanding of the situation and priorities of the countries covered by this proposal, in addition to the progressive development of a unique experience and expertise in the areas of countering illicit trafficking, smuggling and border security. In order to adapt to each national context, a specific strategy will be developed at country level that will complement the regional dimension. National strategy and national packages will be aligned with needs identified and take into consideration interventions already in place.

The proposed Action is in line with Pillar IV of the 2015 La Valetta Action Plan on "Prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings" and will contribute to the Strategic Objective 5 of the Operational framework of the North of Africa Window of the EU Trust Fund for Africa, "*To reduce the enablers of, and mitigate vulnerabilities arising from, irregular migration*". Activities under this Action are in line with the European Agenda on Migration, where partnerships with third countries are envisaged and complement initiatives developed under the Khartoum and the Rabat Processes, where a specific pillar on law enforcement was agreed upon by all actors. Upholding the rights of migrants and other categories of individuals object of smuggling and/or trafficking, such as refugees, will be a key element of activities under this proposal while effectively addressing the security threats posed by the criminal networks involved in migrant smuggling and human trafficking.

2.2. Background

2.2.1. Regional and national background

With regards to the current refugee crisis, migrant smuggling and human trafficking are of particular concern to Europe and the world. While irregular migration across the Mediterranean from Africa and the Middle East to Europe is not a new phenomenon, the situation today is very different and has grown in scope, scale and complexity. In 2016, more than 363,400 people arrived in Europe by sea. One of the world's deadliest and most dangerous routes is the Central Mediterranean route, from North Africa to Europe. Since 2014, the number of refugees and migrants crossing the Mediterranean Sea to Europe, mostly to Italy and Malta, has increased steadily every year. The Office of the UN High Commissioner for Refugees (UNHCR) estimates that 153,842 refugees and migrants arrived by sea to Italy or Malta in 2015, and that the number increased to 181,436 in 2016. So far, this year 98,072 migrants travelled across the Mediterranean to Italy. During the period 2016-2017, the total number of

persons who crossed the Mediterranean Sea through the Western and Central Mediterranean routes, i.e. the routes where North African countries are the most used, is 287,893.[1]

In addition, many refugees and migrants have lost their lives while attempting to reach Europe via the Mediterranean seeking refuge or a better life. In 2015, 3,771 people died or went missing while trying to reach European shores. In 2016, the number increased to close to 5,100, with over 90% occurring along the Central Mediterranean route. So far in 2017, the number of death in the Mediterranean has reached 2,410. In reality, the number of fatalities is higher as the number of deaths in the desert *en route* to North Africa should be added, but there are no accurate figures at the moment. For those who make it alive, there are further dangers. Smuggled migrants can easily become victims of trafficking. Such transition takes the form of kidnapping, detention and various forms of abuse since smugglers may turn to exploitative measures to increase their profit on women, but also children, where such view mostly translates into sexual exploitation. Over the past years, the number of victims along the Central Mediterranean route has increased significantly and between 2013 and 2014, the number of women who arrived in Italy identified as victims of sex trafficking increased by over 300%.[2]

Migration to Europe has not only grown significantly in numbers, but has also become more challenging. Refugees and migrants, as well as other categories of people on the move, are increasingly traveling together (seeking the same transit and destination points, using the same means of transportation and traveling via the same routes), a phenomenon known as 'mixed migration', which is having a wide-ranging impact on the North African countries as countries of origin, transit and destination.

Migrant smuggling flows are highly adaptable to changes in circumstances on the ground, be they increased control measures, weather or conflicts. For example, after new border control measures around the Spanish cities of Ceuta and Melilla were implemented, the migration flow shifted away from the Western Mediterranean route towards the Central Mediterranean route, resulting in four times as many migrants arriving in Italy and Malta in 2014 compared to the year before. The EU-Turkey agreement in early 2016 led to increased border control measures on the Eastern Mediterranean route resulting in a sharp decrease of migration along this route, while increasing migration along the Central Mediterranean route. In 2017, a partial revival of the Western Mediterranean route has been observed, with 8,385 arrivals – the highest number over the past three years. The sea route to the Canary Islands is also regularly tested by smugglers.

Libya – historically a destination country for migrants and refugees from other Arab countries and Sub-Saharan Africa – has become particularly vulnerable as a transit and departure point after the fall of the Gadhafi regime, and is presently considered as the gateway to Europe. The increased controls along other traditional smuggling routes combined with the protracted conflicts in Iraq and Syria, the lack of employment opportunities in West Africa, and the continuing instability in East Africa, lead an increased number of migrants and refugees to Libya given the country's ideal location as departure point to cross the Mediterranean. Further to that, due to the current political and security instability, the country has become the main location for trafficking and smuggling routes from Sub-Saharan Africa to many MENA countries and Europe, and the collapse of Libya's justice system has allowed various armed groups, criminal gangs and individuals to engage in illicit activities, including migrant smuggling and human trafficking. In some parts of the country, particularly in southern Libya (according to some reports), migrant smuggling has become a major source of income given the deteriorating economic situation.

Human trafficking and migrant smuggling between North Africa and Europe is carried out through criminal networks. There is a wide range of types and structures of criminal networks, making it difficult for law enforcement agencies to adopt a systematic and standardized approach to dismantling those groups. Whereas very structured and transnational organized criminal groups exist and operate (mostly in human trafficking), there exists also a myriad of smaller groups that collaborate with each other only for one or a small series of smuggling operations.

Given the current volatile political and security climate in Arab countries, particularly in Libya, illicit trafficking activities have the potential to expand significantly, bringing increased profits to criminal organizations and further destabilizing the region. It is also recognized that some criminal groups have changed in nature through a fusion of

[1] IOM, "*Missing Migrant Project*", 25 August 2017.
[2] Altai Consulting, "*Migration Trends across the Mediterranean: Connecting the Dots*."

criminality and radicalism or through cooperation between terrorist and organized crime groups in illicit trafficking.

Morocco adopted in 2016 a law aiming at tackling the issue of trafficking in persons. Since then, the government declared having dismantled 33 human smuggling and trafficking networks in 2016[3] and 80 in 2017[4]. In recent years, Morocco saw a decline in numbers of migrants attempting to reach Spanish shores following increased controls at sea and at land crossings. However, the number of people arriving to Europe via the Western Mediterranean route has sharply increased in 2017.

In 2016, Algeria launched investigations against three human trafficking networks, involving 16 perpetrators and more than 33 victims for which prosecutions are ongoing[5]. The main form of trafficking are forced begging and forced labour. Algeria is also a transit destination for migrants wanting to go to Europe. Many Sub-Saharan Africans irregularly enter Algeria from the southern province of Tamanrasset and resort to smugglers to facilitate their movement across the harsh terrain of the Sahara towards the northern city of Annaba and to travel across the Mediterranean to Sardinia. The high costs attributed to smuggling services oblige migrants to transit in Algeria and work informally to save up for their onward journey to Europe. Engagement in the informal labour market poses a high risk of exploitation. In fact, the irregular status alone makes migrants exceptionally vulnerable to becoming victims of trafficking for the purposes of sexual and labour exploitation.

In Tunisia, human trafficking concerns mainly young Tunisian women and citizens originating from Sub-Saharan Africa, most notably from Ivory Coast, who are trafficked as domestic workers, and often see their passport confiscated, restriction of their freedom of circulation and withhold of their salary. In recent years, political agreements between Tunisia and Italy, and increased controls, considerably reduced the number of Tunisian migrants travelling by boats to Italy, with the exception of the year 2011 which saw and important number of Tunisians crossing the Mediterranean due to political and economic instability. However, Tunisia recently witnessed an upsurge in the number of Tunisian citizens and migrants trying to cross the Mediterranean[6], and the tragic accident which left eight people dead and 20 missing in October 2017 after their boat collided with a Tunisian naval vessel[7], put the question of irregular migration under the spotlight.

Egypt launched investigations into several cases of trafficking in persons, most notably organ trafficking which seem the most prevalent form of trafficking in the country. In July 2017, Egypt's Attorney General referred 41 suspects to criminal courts on the charge of trafficking organs[8]. Egypt is also the only country in North Africa to have a law specifically dedicated to migrant smuggling and to have established an institution dedicated to both trafficking in persons and migrant smuggling, namely the National Committee for combatting illegal migration and Trafficking in Persons. Despite these legal and institutional developments, estimates show that around 10% of arrivals in Italy originate from Egypt, most notably from the Northern Coast around Alexandria[9]. However, the tragic accident of September 2016 where more than 160 migrants drowned led the authorities to apply more strict

[3] US Department of State, 2017 Trafficking in Persons Report, https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271247.htm

[4] Middle East Monitor, 80 human trafficking rings thwarted in Morocco in 2017, November 16th 2017, https://www.middleeastmonitor.com/20171116-80-human-trafficking-rings-thwarted-in-morocco-in-2017/

[5] US Department of State, 2017 Trafficking in Persons Report, Algeria, https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271131.htm

[6] Thomson Reuters Foundation News, Tunisia rescues 140 migrants off its coast, 1 October 2017, https://news.trust.org/item/20171001095401-c1o7n

[7] Reuters, Tunisian migrant, navy boats collide; 8 bodies found, October 9th 2017, https://af.reuters.com/article/topNews/idAFKBN1CE1BV-OZATP

[8] Ahram Online, Egypt's Attorney General refers 41 suspects in organ trafficking network to criminal court, 4 July 2017, http://english.ahram.org.eg/NewsContent/1/64/273015/Egypt/Politics-/Egypts-Attorney-General-refers--suspects-in-organ-.aspx

[9] IOM, Mediterranean Migrant Arrivals in 2016: 169,846; Deaths:620, 4 January 2016, https://www.iom.int/news/mediterranean-migrant-arrivals-2016-169846-deaths-620

controls on the Northern coast. Since then, only three direct departures from Egypt to Italy have been registered. Egypt is currently mostly used as transit countries by Eastern African migrants to enter Libya.

In its 2016 Global Report on Trafficking in Persons, UNODC has found that the most frequently detected form of exploitation in the MENA region was forced labour and that 38% of the victims were women. However, overall, the lack of effective systems to identify, collect and report data on trafficking in persons and migrant smuggling makes it difficult to provide comprehensive statistics about these crimes.

2.2.1. Sectoral background: policies and challenges

In order to effectively dismantle criminal networks rather than arresting low-level criminal operatives, the approach presented here seeks to promote a shift from a quantitative to a qualitative law enforcement approach. This will require further capacity-building in specialized investigation techniques, equipment and meaningful regional and international cooperation. Intelligence-led policing and investigations aimed at dismantling networks require strong information collection and analytical capabilities. In addition, such information needs to be preserved and used in compliance with national legal requirements to be used in prosecution and be admissible in court.

Although often supported by the international community, there is a significant lack of resources, and at times political obstacles, with regards to security sector reform in the region. Undergoing transition or recovering from conflict, law enforcement agencies of countries of North Africa often find themselves with "more urgent" priorities to tackle than enhancing their in-depth crime investigation and prevention capacities. Indeed, faced with an increased presence of terrorist organizations and repeated attempts to endanger the security of their citizens, Member States in the region have seen most of their available resources drawn away from sustainable capacity-building, towards short-term anti-terrorism efforts. This is coupled with an increasingly complex nature of criminal and terrorist organizations and networks involved in migrant smuggling and human trafficking, requiring even more specialization and efficiency from law enforcement services in the region.

Modern investigation techniques, including the use of IT in support to investigations often lack in North Africa, with limited access to computer-based tools, little to no data exchange and analyses, and a widespread use of paper. Criminal intelligence analysis, forensics, including digital forensics, provide extremely efficient ways to accelerate crime-solving and can help change the "culture of confession" according to which crimes can only be solved if the suspect confesses. Using various sources, analysts can support investigators very quickly with the analysis of large sets of data, and therefore help better understand cases and networks, and identify suspects within very limited timeframes.

Interventions described in this Action Document will support North African countries in modernizing the way they conduct in-depth investigations relating to organized criminal groups involved in migrant smuggling and human trafficking, building capacities on detection and interception of suspicious persons at border crossing points and key hub cities along smuggling routes, and strengthening special investigation techniques, while providing in-depth capacity-building for effective prosecution and adjudication of migrant smuggling and human trafficking cases. Given that people on the move are exposed to unsafe conditions and often also abuse, activities under the proposal will also address the protection of and assistance to victims of trafficking and vulnerable migrants.

The situation as regards fighting migrant smuggling and human trafficking differs widely across the region. With reference to the international legal framework, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP Protocol) was ratified by Tunisia in 2003, by Algeria and Libya in 2004, by Egypt in 2005, and was acceded to by Morocco on 2011. The Protocol against the Smuggling of Migrants by Land, Sea and Air (SOM Protocol) was ratified by Tunisia in 2003, by Algeria and Libya in 2004 and was acceded to by Egypt in 2005. Morocco has not yet acceded to the SOM Protocol.

Legislatively, Algeria criminalizes all forms of TIP and has introduced provisions that criminalize SOM in its penal code. Egypt also prohibits TIP under Law 64 of 2010 and SOM under Law 82 of 2016. Similarly, Tunisia prohibits SOM under Law 6 of 2004 and TIP under Law 61 of 2016. Likewise, Libya prohibits SOM under Law 19 of 2010. Libya does not possess a dedicated law that prohibits TIP comprehensively. There are, however, some

articles in the penal code that prohibit child sex trafficking and the trafficking of women for prostitution, sexual exploitation and slavery. Morocco has enacted comprehensive anti-trafficking legislation with Law 27.14 in September 2016.

Regarding the strategic framework, the Government of Egypt launched a new "National Strategy on Combating Illegal Migration" for the period 2016-2026 and a strategy for combatting trafficking in persons. The National Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIM-TIP) is the government focal point for coordinating policies in the field of preventing irregular migration and combating smuggling and trafficking of human beings. Morocco, Tunisia and Algeria have national anti-trafficking coordination bodies. In the case of Libya, the starting point is to identify the right bodies and the appropriate individuals to engage with.

A number of key challenges that persist despite the considerable work undertaken to prevent and address TIP and SOM are the lack of accurate data and research, lack of strategic planning and policy, inadequate legislation, ineffective criminal justice response and weak institutional capacity, limited regional and trans-regional cooperation, and inadequate assistance and support to victims of trafficking and protection of the rights of smuggled migrants. The specific challenges differ by country and an assessment for each country will be undertaken in order to confirm the gaps and needs that will inform the design of the country-specific packages of the Action.

2.3. Lessons learnt

The following lessons have been learnt, and informed the design of interventions under the present project:

All five North African countries have received extensive capacity-building and training on the basic principles of, and measures against, human trafficking and migrant smuggling. As a result, the difference between the two crimes is mostly understood and there is no need to dedicate too many resources to it anymore. In addition, bilateral cooperation between North African countries and EU Member States results in numerous training sessions on human trafficking and migrant smuggling. This is to be added to the training sessions conducted by international organizations such as UNODC, IOM and ICMPD. In several North African countries, this led to a "basic training fatigue". As a result, future interventions should mostly focus on special investigation techniques to combat these crimes. Whereas some resources still need to be dedicated to basic training on smuggling and trafficking, the core of future interventions should be on specialized tools and techniques.

From UNODC experience, the most effective way to enshrine new skills and knowledge into work habit is through mentoring. Mentoring refers to a training technique where an international expert would be embedded within a given institution and act as advisor/guide/trainer over a certain period of time. At present, mentoring within law enforcement institutions in North Africa is not possible due to the political sensitivities related to human trafficking and migrant smuggling (the same applies to counter-terrorism for instance). As a result, UNODC has incorporated a strong component on training of trainers in order to ensure that the skills and knowledge obtained can be passed on and disseminated broadly. UNODC experience shows that when done within the duration of a project and with resources dedicated to organizing training sessions for those trainers, good results are obtained. Training of trainer initiatives are undertaken in collaboration with existing training institutes, such as Police Academies, Magistrate and Judicial Institutes and whenever possible embedded in their curricula in order to enhance the sustainability of the approach. One of the innovations under this Action is that UNODC will accompany the trained trainers in the first sessions they will deliver. To date, very few projects do so and they only focus on training trainers towards the end of the project then leaving the trainers to their own devices with no resources to conduct their first sessions, thus preventing the effective start of a positive dynamic where the trainers/institutions are truly empowered.

In addition, training curricula will be developed for some of the special investigation techniques that will be addressed under this Action. The curricula will then be handed over to the national training institutions and partner agencies for later use to train newcomers or organize refresher training sessions internally, without UNODC.

With regards to identification and referral of victims, UNODC Global Trafficking in Persons Reports show that over the years the number of victims and cases in North African countries has not significantly increased despite

the related capacity-building provided to law enforcement officials and all the sensitization work done within those circles. There is thus a need to widen the scope of awareness-raising and training activities to reach new types of actors (e.g. labour inspectors) while at the same time maintain a focus on law enforcement officials, particularly front line officers. In addition, referral and collaboration between different agencies working on TIP and/or SOM will be strengthened through strategic workshops with relevant agencies including non-governmental organisations.

Whereas the training of justice officials in North Africa has yielded very positive results, simulations exercises have proven even more effective as a training methodology. In this regard, mock trials are a fantastic tool that puts justice officials in real-life situations and provide them with the opportunity to increase their skills and knowledge. UNODC has started using this training methodology in the region over the past years and has received good results. Most of the time, justice practitioners consider mock trails as an "eye opener" on the practical and judicial difficulties in dealing with human trafficking and migrant smuggling.

The assessment to be undertaken at the beginning of the Action for each country will include the training needs, capacities and training institutions in order identify the priorities and sequencing of the interventions under the Action.

2.4. Complementary actions

The present proposal falls under the Regional Programme for the Arab States to Prevent and combat Crime, Terrorism and Health Threats and to Strengthen Criminal Justice Systems, in Line with International Human Rights Standards (2016-2021), which is the strategic framework and overall umbrella of UNODC work in North Africa and the Middle East. Under Sub-Programme I of the Regional Programme, UNODC supports Member States to better respond to organized crime by strengthening capacities to control their borders and counter trafficking of illicit goods and persons as well as migrant smuggling. Furthermore, UNODC assists countries to strengthen technical and specialized policing capacities to organized crime.

Interventions under this proposal also fall under Pillar IV of the 2015 La Valetta Action Plan on '*Prevention of and fight against irregular migration, migrant smuggling and trafficking in human beings*', where actions points cover training on investigation, exchange of operational information, fight against organized crime, support to stranded/vulnerable migrants, operational police and judicial cooperation, amongst others.

UNODC is part of the Khartoum Process and actively participated in the Khartoum Thematic Meeting on People Smuggling in May 2016. The main focus of the meeting was to develop strategic actions and generate recommendations to tackle the criminality behind people smuggling. Four core areas were discussed, including (i) information sharing; (ii) investigations; (iii) border management; and (iv) legislation and prosecution. UNODC interventions in the field of human trafficking and migrant smuggling are in line with these recommendations. UNODC also participates in the EU-Horn of Africa Migration Route Initiative under the Khartoum Process and does integrate the results of those meetings into its programming. UNODC will continue to participate in initiatives and meetings under the Khartoum Process and align its interventions with strategic actions agreed upon. During those meetings, UNODC keeps abreast with new interventions by Member States and other International Organizations to avoid duplication of efforts and create synergies and complementarities wherever possible.

With regards to the Rabat Process, UNODC is also an active member. Since the majority of the nationals arriving to Italy are from West Africa, increased contacts and synergies are sought by the UNODC Regional Office for MENA with other players active in West Africa and the Sahel. Accordingly, UNODC has established contacts with the G5 Sahel and EUCAP Sahel in Niger. UNODC operations in West Africa are aligned with and complement those undertaken by others. This reflects on the programming under this present proposal.

Interventions under this proposal build on and draw experience from ongoing projects in the fields of counter-migrant smuggling and counter-human trafficking, border control, and special investigation techniques, notably the following initiatives:

- The UNODC *Regional Project to Strengthen Regional Cooperation and Border Control against Illicit Trafficking*, currently active in Algeria and Tunisia, aims to strengthen the capacity of Governments to respond to illicit trafficking and other forms of transnational organized crime by focusing on better

securing borders (identification and interception) and on dismantling criminal networks (information collection and sharing). The project improves skills, equipment and techniques used by law enforcement agencies operating at official border crossings; enhances information collection and sharing at key hub cities along smuggling routes (including data on seizures, illicit movements and arrests); and strengthens regional cooperation to respond to organized crime and illicit trafficking. Activities under this project were also implemented in Egypt. Libya and Morocco have officially requested to join that project.

- The UNODC *Regional Project against Migrant Smuggling and Human Trafficking* is active in all North African countries. It has, and is, successfully delivering technical assistance on the identification and investigation of human trafficking and migrant smuggling cases, and the prosecution of offenders, while simultaneously highlighting the importance of international cooperation and the protection of the rights of trafficked victims and of smuggled migrants. Training for criminal justice practitioners focused on the dismantling of criminal networks, investigation and interviewing techniques, the use of referral mechanisms for protection services, etc.
- The *Better Migration Management (BMM)* is funded by the European Union and is implemented by a consortium of actors under the leadership of GIZ. UNODC is one of the implementing partners, focusing on legislative support to align legislation on human trafficking and irregular migration with international standards and norms, raising awareness amongst journalists, and building the capacity of law enforcement and criminal justice practitioners to effectively prevent and combat human trafficking and migrant smuggling. This project operates in Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and South Sudan. Several of the experts involved in the BMM are also involved in the present project, thus ensuring a coherent approach along the East Africa migration route while promoting international cooperation among the countries concerned.
- The *Global Action to Prevent and Address Trafficking in Persons and Smuggling of Migrants* (Glo.Act) is a four year (2015-2019) joint initiative by the European Union and the United Nations Office on Drugs and Crime (UNODC) being implemented in partnership with the International Organisation for Migrations (IOM) and the United Nations Children's Fund (UNICEF). It aims to assist the selected countries in developing and implementing comprehensive national counter-trafficking and counter-smuggling response, adopting a dual prevention and protection approach. Egypt and Morocco are targeted under Glo.Act.
- The UNODC project *'Supporting Tunisian capacities to prevent and combat cybercrime',* which started in 2016 in close collaboration with the Ministry of Interior, the Ministry of Justice, and the Ministry of Communication and Technology. Under the project, a legislative review and needs assessment regarding cybercrime and digital forensics was carried out, and initial training for officials from the Tunisian Sub-Directorate of Technical and Scientific Police was delivered. Thus, on the digital forensics and cyber investigations enhancement, the present proposal will be complementary to the ongoing project in Tunisia.
- The UNODC *'Strengthening Tunisian crime scene investigation services'*, which started in 2016 in close collaboration with the Ministry of Interior and experts from the Tunisian Sub-Directorate of Criminal and Scientific Laboratories. In January 2017, an expert report on the needs for capacity-building on crime scene investigations in Tunisia was submitted to the Tunisian authorities with recommendations for strengthening national forensic services and the continuity of evidence along the judicial process. Thus, on the forensic science enhancement, the present proposal will be complementary to the ongoing project in Tunisia.
- The UNODC regional project "*Strengthening criminal intelligence analysis capacities in the MENA region*" is active in Tunisia and Algeria. It aims to establish or strengthen crime analysis capacities by focusing on the further specialization of law enforcement officials working in this area. The present proposal will allow the further roll-out of those specialized capacities to more partners in the region.
- The programme *Enhancing Africa's Capacity to Respond to Transnational Organised Crime* (ENACT, 2017-2020) is a joint initiative launched by the Institute for Security Studies, Interpol and the Global Initiative against Transnational Organised Crime and funded by the EU Pan African Programme aims to

mitigate the impact of transnational organised crime in Africa on development, governance, security and rule of law. ENACT programme targets Algeria among other countries.

The proposed project is also aligned with and feeds into the UNODC "*containment approach*" vis-à-vis Libya, through which its neighbouring countries are supported to increase their land border control capacities, both at border crossing points and at key hub cities along trafficking routes, in order to combat all types of illicit trafficking to/from Libya.

Furthermore, it is complementary to the maritime-based Operation Sophia deployed by the EU to combat illicit trafficking, migrant smuggling and to rescue lives at sea. As Sophia is a purely maritime-based operation, this present Action will add a land-based component in order to successfully break smuggling business models, since preparations of the criminal activities targeted by Sophia take place on land.

The present Action is also complementing the recent EU-funded initiative for Libya to be implemented by the Italian Ministry of Interior (EUR 42,2 M) and aimed to support integrated migration and border management in the country. While the Italy-led project will focus on maritime border management and pilot activities in the South of the country to set up/restore border area surveillance facilities, this proposed UNODC-led project will focus on the law enforcement investigation techniques to dismantle criminal groups. With regard to the identification and interception segments of both initiatives in Libya, whereas the Italian project will focus on border posts in the South of Libya, UNODC will focus on key hub cities inside the country.

Still on Libya, this proposed project complements the EUR 90 million programme on protection of migrants and improved migration management, adopted in April 2017. This national programme, under its protection component, focuses on assistance to and protection of migrants and refugees at disembarkation points, in detention centres and urban settings; voluntary humanitarian returns and reintegration of migrants to their countries of origin; creation of 'Safe Spaces' as alternatives to detention; assistance to migrants on the move in the form of information on viable options (including returns) and risks of irregular migration as well as food and non-food items; etc. Activities under this regional proposal include information sessions for frontline officers and investigators on the available support and assistance schemes thereby referring migrants, victims of trafficking, asylum seekers and refugees to the service provided under the national programme. This Action will also complement and seek synergies with the project *Support to a rights-based migration management and asylum system in Libya* implemented by the International Centre for Migration Policy Development (ICMPD).

There are other initiatives implemented by UNICEF, IOM and UNHCR in the region to procure assistance and protection to people part of mixed migration flows. IOM is also implementing limited capacity-building on investigation pertaining to migrant smuggling and human trafficking in Egypt. As mentioned above, this present regional proposal includes information sessions for frontline officers and investigators on the actual use of referral systems. For other activities on law enforcement, UNODC is part of the various coordination mechanisms in place in North Africa and does coordinate its activities with other multilateral and bilateral actors, notably through its Programme Offices in Morocco, Tunisia and Libya, and its Regional Office in Egypt.

In addition to this, UNODC has an ongoing collaboration with Italy, France and the UK on the delivery of technical assistance to North African countries in the areas of migrant smuggling and human trafficking. In this regard, officers in active duty from those countries often act as trainers alongside the UNODC ones. This cooperation takes place by liaising with the Embassies of those countries in North Africa. Under this regional project, it is proposed to extend such cooperation to Spanish officials as well as other interested Member States. UNODC is also liaising with Germany with regards to their engagement in establishing a decentralized Document Fraud Unit in Tunisia (providing training and equipment) and their support to the Tunisian Police on document fraud. UNODC is planning to create regional synergies on fraud document, including a regional information exchange platform on new *modus operandi* and on ongoing cases. It should also be mentioned that some European partners are also donor to UNODC for projects in North Africa on migrant smuggling and human trafficking. This is the case for the UK, Austria and Italy. France is also a donor to UNODC on land border control in North Africa. The funding and trust put in UNODC has led to the development of a close cooperation at the operational level in order to implement projects and coordinate actions on the ground.

Moreover, UNODC has signed MoUs with Europol, Frontex and Operation Sophia. These MoUs include exchange of information on organized crime, informing each other of new initiatives, and cooperation in the

delivery of technical assistance in the areas covered by this regional project, and UNODC has already used these MoUs to organize training sessions in North Africa. Europol conducts a variety of capacity-building programmes and has an extensive database and effective analysis methods. UNODC is already in contact with the Europol Migrant Smuggling Center (EMSC) and has worked in the past to deliver joint training. Contacts are ongoing for the delivery of technical assistance to North African countries within the framework of ongoing projects.

UNODC is also already in contact with *Euromed Police IV*, where cooperation on the training of frontline officers at airports was discussed and should materialize in 2018, since the project focuses on strengthening cooperation on security issues between the southern Mediterranean partner countries and EU Member States. For the implementation of the present project, a new topic of cooperation will be open on criminal intelligence analysis. With regards to the *Euromed Justice IV* project, UNODC will contact the institution implementing the project in order to better understand its programming and plans so as so complement.

Furthermore, UNODC will take into consideration the *EU4 Border Security* project funded by the EU and FRONTEX, which will familiarise partner countries with the mandate and work of FRONTEX, and increase their capacity to undertake risk, strategic and operational analysis with a view to strengthening border security. Particular consideration to this project will be given as regards the implementation of activities under *Focus area I* and *Focus area III,* and more specifically the activities on regional information sharing and criminal intelligence analysis. UNODC will also take into consideration and will seek complementarities with the *Interpol South* project, which seeks to intensify and accelerate the exchange of operational information in the Neighbourhood South targeted countries, and with the EU in order to better detect and intercept terrorist individuals and their affiliates, as well as other organized criminal groups – especially those involved in illicit trafficking and smuggling of weapons and CBRNE (Chemical, Biological, Radiological, Nuclear, and Explosives) materials – across borders. Synergies will also be sought with regards to the Joint Investigation Teams in the relevant countries, the Platforms against Migrant smuggling (some of which have already been taking place and others may be set up in the future), as well as other ongoing or possible new initiatives. UNODC will also take efforts to foster cooperation with the AROs (assets recovery officers), which countries of the North of Africa region have recently set up with the support of UNICRI and, where present, with the EU and the EU Member States Liaison Officers.

2.5. Donor coordination

Donor coordination will be ensured at country level through already existing coordination bodies that differ from country to country. In Tunisia, donor coordination is a government-led processes with the Government acting as secretary. In countries where it is not government-led, a country takes the lead and acts as convening Embassy. This is the case in Egypt, Libya, Morocco and Algeria. UNODC is already participating in these forums, and uses them to re-orient its programming, inform partners so they adapt their plans, find opportunities for cooperation, and exchange on lessons learnt.

UNODC has Programme Offices in Morocco, Tunisia and Libya, and its Regional Office in Egypt. Such coverage allows physical presence at donor coordination meetings. In Algeria, UNODC is kept informed of the results of such meetings and conveys messages on its interventions to the chair when needed.

In addition, the EU Delegation will follow-up the project implementation at country level and steer the coordination and exchanges between EU funded interventions in order to foster synergies. A Steering Committee will be set up for the governance of this Action and will discuss progress and strategic orientations at regional level.

3. DETAILED DESCRIPTION

3.1. Objectives

The overall objective of the programme is:

The overall objective is to contribute to reducing enablers of - and mitigating vulnerabilities arising from - irregular migration in Algeria, Egypt, Libya, Morocco and Tunisia by focusing on the dismantling of organized criminal groups involved in migrant smuggling and human trafficking.

The specific objectives are:

The overall objective will be achieved through:

1) Enhanced detection and interception capacities of frontline officers and agencies at selected border crossing points and key hub cities along smuggling routes.
2) Strengthened identification and investigation capacities of first responders (including law enforcement officers, healthcare professionals and social workers, Libyan Department to Counter Illegal Migration, labour inspectors and other relevant practitioners) with regards to migrant smuggling and human trafficking cases while protecting victims.
3) Enhanced skills and knowledge of relevant law enforcement agencies on special investigation techniques, allowing relevant authorities to more effectively and rapidly dismantle criminal networks.
4) Strengthened practical expertise and skills of criminal justice practitioners in prosecuting and adjudicating migrant smuggling and human trafficking cases, notably through regional and international cooperation.

3.2. Expected results and main activities

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Protocol against the Smuggling of Migrants by Land, Sea and Air are both supplementing the United Nations Convention against Transnational Organized Crime. As such, some topics like international cooperation, mutual legal assistance, joint investigations, special investigative techniques and protection of witnesses may be relevant for both crimes in the context of dismantling transnational organized crime. The Action will however differentiate in all other aspects the relevant approaches to combat and prosecute migrant smuggling and trafficking in persons as two distinct and separate crimes, following the framework outlined in the respective Protocols and relevant international law. In particular, a clear distinction is maintained between the rights of smuggled migrants and those of victims of the crime of human trafficking.

The expected results are:

- Up-to-date documenting, profiling and searching techniques at selected border crossing points and key hub cities along smuggling routes;
- Streamlined investigation capacities across the five countries for law enforcement officials, leading to improved regional and international cooperation;
- Strengthened judicial police Units in each country thus enabling investigations of larger transnational organizations and investigators to work with a much larger pool of criminal information than currently available;
- Effective investigation processes through strategic and evidence-led policing and faster crime solving;
- Enhanced technical capacities with regards to acquiring, analysing and preserving evidence, including digital evidence, and improved chains of custody;
- Improved national, regional and international cooperation with regards to migrant smuggling and human trafficking cases for an effective response due to the transnational nature of the networks involved in these crimes;
- A revised legislative framework in line with international standards in Libya;
- Law enforcement and criminal justice and health practitioners receive training and light equipment. Many more practitioners are expected to be trained in the mid-term by the trainers to be trained under this Action, due to the multiplying effect of Training of Trainers.
- An increased number of migrant smuggling and human trafficking cases submitted to courts and successfully prosecuted;
- Improved referral for assistance to victims of human trafficking and vulnerable migrants.

A country package will be established for each country, taking into consideration its specific needs and ongoing interventions. This country package will be discussed and finalized in consultation with the national authorities and the EU Delegation. Strong and early involvement of the national authorities is a prerequisite for a successful implementation of the programme, reason why consultations have already taken place in the five countries during the identification and formulation phases. In the case of Tunisia and Morocco, country specific activities will be limited to the strict necessary, and regional dimension will be promoted.

Indicative list of activities:

Activities under Specific Objective I

Under *Specific Objective I*, the Action will address the constraints of counterparts to effectively detect and intercept criminals involved in migrant smuggling and human trafficking, in particular at border crossing points and key hub cities along trafficking and smuggling routes. The main needs for all five countries are capacity building for frontline officers on various special techniques (document fraud, profiling, interviewing techniques, etc.) and light equipment. In Egypt, Morocco and Tunisia there is a particular need for capacity building in the area of document fraud (both training and equipment). Algeria has requested surveillance equipment, in addition to related training for officers.

Outcome 1: Victims of trafficking in persons and members of criminal groups involved in migrant smuggling and human trafficking are increasingly identified/intercepted at selected border crossing points (BCPs) and key hub cities (KHCs)

1.1 Strengthen capacities (skills and equipment) of frontline officers in the detection and interception of criminals involved in migrant smuggling and human trafficking at selected border crossing points and key hub cities;
1.2 Deliver training on advanced identification and interception methods to frontline agencies at selected border crossing points and key hub cities;
1.3 Improve national and regional cooperation mechanisms to better respond to migrant smuggling and human trafficking.

Activities under Specific Objective II

Under *Specific Objective II*, the Action will build capacities of law enforcement officers from Algeria, Libya and Morocco in the field of identification and investigation of migrant smuggling and human trafficking cases, complementing and building on previous and ongoing initiatives[10]. With regard to investigations, there is a need for more specialized training that will add value to already-acquired skills. Streamlining the knowledge of law enforcement agencies dealing with migrant smuggling and trafficking in persons across all North African countries will facilitate regional cooperation. Furthermore, UNODC will respond to the need to improve assistance to smuggled migrants and victims of human trafficking, and build capacities of labour inspectors on the identification and referral of victims. In addition, UNODC will respond to the specific fragile situation of Libya and provide tailor-made assistance to the DCIM both in terms of legislative expertise, training and equipment.

Outcome 2: Improved skills are applied by first responders to effectively identify and investigate cases of human trafficking and migrant smuggling, while referring trafficking victims and smuggled migrants for assistance and protection.

2.1 Strengthen capacities of law enforcement officers to effectively investigate cases of human trafficking and migrant smuggling, using a victim-centred approach;
2.2 Build capacities of healthcare professionals and social workers to identify, assist and refer trafficking victims and smuggled migrants among migrant communities;
2.3 Strengthen capacities of the Libyan Department to Counter Illegal Migration (DCIM) to counter migrant smuggling through specialized training and equipment;

[10] This will complement ongoing UNODC interventions as well as those implemented by other organizations in Morocco, Tunisia, Egypt and Sudan, in particular the EU-funded GLO.ACT programme implemented by UNODC, IOM and UNICEF in Egypt and Morocco, and the EU-funded Better Migration Management project (BMM) led by GIZ and covering East Africa, notably Sudan. UNODC and IOM also have UK-funded projects in this same area in Tunisia and Egypt.

2.4 Strengthen capacities of labour inspectors and other relevant practitioners to identify victims of human trafficking and migrant smuggling and to refer them to appropriate first responders.

Activities under Specific Objective III

Under *Specific Objective III*, the Action will address the constraints and gaps of counterparts with regard to special investigation techniques, such as criminal intelligence analysis and the use of forensic and digital forensic evidence during the investigation and prosecution of organized crime groups. All five beneficiary countries lack modern crime analysis techniques and capacities to properly gather evidence, including digital evidence. They further lack online organized crime investigation units, which will enable effective follow-up of gathered evidence at the borders. The countries are also in need of enhanced forensic chain of custody processes and preservation of forensic evidence, especially from the borders to the national forensic laboratories to ensure the added value of the collected evidence in organized criminal investigations, notably regarding human trafficking and smugglings of migrants. All five countries have requested support, both in terms of capacity building of staff and in terms of equipment, in order to advance in the field of special investigation techniques to complement conventional techniques, such as interrogation and searches.

Outcome 3: Relevant law enforcement agencies make use of advanced knowledge and skills in criminal information analysis to support in-depth investigations aimed at dismantling criminal networks involved in migrant smuggling and human trafficking

3.1 Establish a pool of criminal information analysts in each country through identification of profiles and assessments;
3.2 Provide capacity-building to the pool of criminal information analysts in each country;
3.3 Provide light equipment to the pool of criminal information analysts.

Outcome 4: Relevant law enforcement agencies make use of advanced knowledge and skills in forensic evidence collection and preservation, as well as chain of custody, during in-depth investigations aimed at dismantling criminal networks involved in migrant smuggling and human trafficking

4.1 Establish a pool of forensic specialists in each country for search/seizures, forensic evidence collection and preservation, as well as chain of custody, through the identification of profiles and needs assessments;
4.2 Strengthen forensic capacities and skills of the pools of forensic specialists;
4.3 Provide light equipment to the pools of specialists to support proper evidence collection and preservation;
4.4 Provide support to communication channels for regional cooperation on organized crime investigations.

Outcome 5: Relevant law enforcement agencies make use of advanced knowledge and skills to utilize digital evidence during in-depth investigations aimed at dismantling criminal networks involved in migrant smuggling and human trafficking

5.1 Establish a pool of cyber specialists in each country responsible for search/seizures, digital evidence collection and preservation and chain of custody supported through identification of profiles and needs assessments;
5.2 Strengthen capacities and skills of the members of the pool of cyber specialists in using digital evidence in investigations;
5.3 Provide light equipment to the pools of cyber specialists supporting the use of digital evidence in the investigations of organized crime groups.

Activities under Specific Objective IV

Under *Specific Objective IV*, UNODC will address gaps of the beneficiary countries in the prosecution and adjudication of migrant smuggling and human trafficking cases. UNODC has been building capacities judges and prosecutors in this field since 2011 in the MENA region. There is a need to further elevate capacities of judges and prosecutors through in-depth capacity building, e.g. through the delivery of a mock trial programmes. Magistrates could benefit from more practical experience in dealing with migrant smuggling and human trafficking cases. The project will organize mock trails to that end.

Furthermore, in order to successfully dismantle migrant smuggling and human trafficking networks, regional and international cooperation is key. No country will be able to tackle these phenomena alone. UNODC will thus

respond to the countries' request for assistance in this area by supporting the establishment of technical coordination mechanisms and communication channels through sub-regional meetings to enhance information exchange. It will also do so by promoting regional international judicial cooperation on human trafficking and migrant smuggling cases. Special focus will be given to Libya to increase cooperation with neighbouring countries, as well as with countries on the other side of the Mediterranean.

Outcome 6: Criminal justice practitioners adequately prosecute and adjudicate cases of migrant smuggling and human trafficking.
6.1 Strengthen capacities of criminal justice practitioners to prosecute and adjudicate cases of human trafficking and migrant smuggling by organizing mock trials;
6.2 Facilitate regional and international judicial cooperation with regards to human trafficking and migrant smuggling cases.
6.3 Enhance regional and international judicial cooperation with Libya.

3.3. Risks and assumptions

Risk			Mitigation
Identification	**Likelihood**	**Impact**	**Risk Mitigation Strategy**
Risk 1: The integrity of frontline officers is compromised	MEDIUM	HIGH	It is possible that some elements within law enforcement in the countries concerned engage in behaviours contrary to the ethical and integrity rules pertaining to Ministries of Interior. All North African countries have internal oversight mechanisms that should, in principle, allow the detection and taking of appropriate measures should one official be found acting in violation of laws, rules and regulations. The present project does not have as primary focus the preservation and improvement of integrity mechanisms within North African countries but UNODC experience and expertise may be called upon by North African countries, should they wish so. In addition, should UNODC learn that one officer has engaged in such behaviour, the project will be suspended until assurances are given by the authorities concerned that behaviour does not re-occur.
Risk 2: Political instability hampers the implementation of the project	MEDIUM	MEDIUM	Some countries of the region are still undergoing important political and societal changes, and regularly experience outbursts of violence or protests. It is therefore very likely that this risk will materialize, as it has for other UNODC projects in the MENA region over the past years. When the risk materializes, UNODC will follow the advice provided by the UN Department of Security and Safety (UN-DSS) and either suspend or relocate activities until the situation improves. If activities are suspended, the fact that the project is regional will allow UNODC to focus on other countries so overall implementation may continue. It is not expected that the worsening of the security situation will lead the project to a complete stand-still. Should it happen, UNODC will liaise with the national authorities concerned and the EU to develop a contingency plan.
Risk 3: The security situation in parts of the countries covered by the project does not allow any UNODC physical presence	MEDIUM	MEDIUM	Some countries in North Africa have reported terrorist and violent organized criminal activities in parts of their territory, often at the border areas. It is anticipated that southern borders of North African countries will be particularly challenging. In this regard, UNODC will follow the advice provided by UN-DSS and the national authorities. Relocation of activities to safer places within a country is the most likely alternative should this risk materialize.
Risk 4: Trained personnel rotate shortly after a session took place	MEDIUM	MEDIUM	Personnel within the national administrations may be subject to frequent rotations (sometime every two years). This creates issues in terms of sustainability, passing of knowledge, and lead to a waste of resources. Therefore, UNODC will do its utmost to secure agreements from the Ministries concerned on the fact that trained personnel should stay in place at least for the entire project duration.
Risk 5: The safety of frontline officers is compromised	LOW	MEDIUM	Many areas of operation for this project are located in zones where the security conditions are particularly volatile. As a result, North African countries took strong measures to safeguard the safety and security of their personnel. One of the main decision was to have increased military presence in border areas. Currently, UNODC is

			not aware of any attack that may have been carried out against border crossing points by terrorist or armed militia. There is a heavy military and police presence at those points, making them difficult to successfully attack. In addition, the project will focus on key hub cities and capital cities (where central authorities are located). Some key hub cities are located in volatile areas, but UNODC knows that adequate security measures are in place to prevent the loss of control over that city and the loss of lives.
Risk 6: A weak knowledge base hinders capacity building	LOW	MEDIUM	This risk is unlikely due to the relatively good education of the persons working for the beneficiary structures. In addition, UNODC has some degree of flexibility to adapt its activities to the capacity of the officials who need to be trained.
Risk 7: Use of newly-acquired knowledge and equipment to commit human rights violations	LOW	MEDIUM	It may be possible that despite the new tools provided by UNODC under this project - and others - aimed to less depend on confessions in order to obtain convictions or the dropping of charges, some elements within beneficiary law enforcement agencies might resort to human rights violations in the belief that it makes their work more effective. Should such cases occur, UNODC will immediately suspend all activities upon confirmation of the allegations, and contact to leadership of the agency(ies) concerned in order to obtain strong assurances that such situation will not re-occur.
Risk 8: Equipment provided is diverted to other purposes for which it was given or for private use	LOW	LOW	Should it appear that the equipment provided has been diverted, UNODC will suspend all equipment delivery to the country(ies) concerned and engage with the national authorities until the Office receives assurance that the situation has been addressed and measures put in place to avoid such occurrence in the future.

3.4. Crosscutting issues

The technical assistance to be provided under this proposal is to assist North African countries operating to shift from a quantitative to a qualitative law enforcement approach, tailored to the crimes of migrant smuggling and human trafficking and with the aim to dismantle organized crime groups involved in such crimes. However, the knowledge and skills that relevant authorities will gain through this intervention, can easily be transferred and adapted to counter all sorts of illicit trafficking and organized crime, even terrorism.

Furthermore, human rights are at the core of all the work of the UN system and, together with peace, security and development, represent one of the three interlinked and mutually reinforcing pillars of the United Nations enshrined in the Charter. UNODC is in the unique position of working across all pillars in its efforts against crime, drugs, corruption and terrorism and in supporting Member States to create safe societies founded on the rule of law.

UNODC takes responsibility to promote, respect, and protect human rights, which are implemented through a human rights-based approach within all UNODC programmes. In carrying out activities, the Office will constantly measure progress by referring to human rights principles in the form of equal protection, non-discrimination and due process. Throughout the training and other operational activities, officials will be reminded of human rights principles and held accountable.

Under this project, UNODC will ensure that law enforcement, customs, judicial and all other officers receiving technical assistance are aware of human rights considerations when dealing with suspects, witnesses or other "clients", and fully apply basic human rights principles. UNODC will also ensure that any new or amended legislation will comply with human rights standards and principles.

To ensure that human rights are taken into due consideration, particular attention will be given to the UN system-wide policy *'Human rights due diligence policy on United Nations support to non-United Nations security forces'.* The policy provides, *inter alia*, that prior to supporting such forces an assessment of risks involved in providing or not providing support should be made, in particular the risk of the recipient entity of UN support committing grave violations of international humanitarian, human rights or refugee laws. Where questions are raised, UN agencies are required to address these as appropriate within the regional and thematic context of their mandates.

The project integrates a gender dimension into all activities, in line with the 2013 UNODC Guidance Note on Gender Mainstreaming. As women are a particularly-vulnerable group affected by human trafficking and migrant smuggling, the project will also contribute to gender equality by strengthening the rights and the position of the

victims and smuggled migrants during the investigations and prosecutions by the competent authorities. Furthermore, the project will seek to ensure to the extent possible a gender balance in the different activities to be carried out, notably with regard to the participants of capacity-building activities.

In the cross-cutting field of corruption in TIP and SOM cases, it has been proven that corruption is central to the success of traffickers and smugglers. Corruption in such cases can be identified in many forms. Notably, through the production of fraudulent travel documents, active and passive bribery, embezzlement, extortion, tampering of official documents and abuse of office. Law enforcement officers, from such agencies as police, border control and immigration, are considered the most vulnerable to corruption in trafficking and smuggling cases. In the field of anti-corruption, UNODC has been working in Algeria, Egypt, Libya and Tunisia to address several topics, such as: strategy development, institutional integrity, access to information, asset declaration, cryptocurrency, financial investigation and analysis. UNODC is also implementing a national project in Egypt that entails the development of a national anti-corruption strategy, the revision of relevant legislative provisions, including access to information and witness protection, and the development of codes of conduct. Under this project, more than 2,000 public officials received targeted anti-corruption training. The UNODC anti-corruption team will be available for advice to the team that will implement this Action.

3.5. Stakeholders

Interventions under this proposal will target the public sector of the five selected countries. The key stakeholder groups under this project are the following ministries[11] in Algeria, Egypt, Libya, Morocco and Tunisia: Ministries of Interior, Justice, Finance, and Health. Direct beneficiaries will be the various actors dealing with law enforcement (including border control) and criminal justice through capacity-building, notably for border officials, officers working in special organized crime investigation Units, judges, prosecutors and forensic professionals. The final beneficiaries will be the general public, victims of trafficking, smuggled migrants, and families of the latter two categories.

Furthermore:

In Algeria, all activities must be communicated to and approved by the Ministry of Foreign Affairs. UNODC has a solid working relationship with that Ministry and will maintain this relationship throughout the implementation of the project. Furthermore, UNODC intends to establish working relations with the Ministry of Labour with regards to the planned capacity-building of labour inspectors on the identification and referral of victims of human trafficking.

The counterparts under this project in ***Algeria*** are:

- Ministry of Interior: Many branches of that Ministry (e.g. Directorate General for National Security - DGSN), which operates with a high level of professionalism, possesses significant experience in investigating criminal phenomena, and has developed strong expertise to that aim. This project would particularly focus on the DGSN, which manages the national border crossing points, and also the Immigration Police (*Police aux Frontières*), Investigation (*Direction de la Police Judiciaire*) and Intelligence Unit (*Renseignements Généraux*).
- Ministry of Defense: Gendarmerie, *Direction de la Police Judiciaire*.
- Ministry of Finance: Algeria strengthened its borders with additional Custom Units, which are under the Ministry of Finance. They will be one of the essential partners in the collection and sharing of information.
- Ministry of Justice: Judges, investigating judges, and prosecutors.
- Chief Executive: Presidential Services.
- Ministry of Health: Forensic professionals who are in direct or indirect contact with forensic evidence regarding criminal investigations, in particular organized crime investigations involving migrant smuggling and human trafficking cases; healthcare professionals and social workers working with migrant communities.

[11] For more detailed information on the various Departments, Units and Agencies involved in the project, see section 1.3.3. (i).

- Ministry of Labour: Labour inspectors will benefit from increased capacities in identification and referral of victims of human trafficking.
- Institutions of the judiciary, training institutes and other relevant actors.

In Egypt, UNODC is closely coordinating with *the National Coordinating Committee to Prevent and Combat Illegal Migration and Human Trafficking*, an inter-ministerial committee under the Ministry of Foreign Affairs coordinating all relevant institutions that play a role in preventing and combatting trafficking in persons and the smuggling of migrants. The National Coordinating Committee will be consulted for the nomination of trainees and will also be involved in some of the trainings, in particular in activities relating to regional cooperation. In addition, all activities organized inside Egypt will require security clearance from the National Security Sector (Ministry of Interior). UNODC has built a strong relationship with the Ministry of Interior as one of UNODC's main counterparts in the delivery of technical assistance in Egypt. The National Security Sector will be reached for the nomination of law enforcement participants. Furthermore, UNODC coordinates with the Office of the Attorney-General with regards to activities relating to migrant smuggling and human trafficking.

The counterparts under this project in ***Egypt*** are:

- Ministry of Interior: National Security Sector, which is one of UNODC's main counterparts in the delivery of technical assistance in Egypt.
- Ministry of Justice: Office of the Attorney General; prosecutors and judges.
- Ministry of Finance: Customs Authority and Border Security Agency (border agents and analysts).
- Ministry of Health: Forensic professionals who are in direct or indirect contact with forensic evidence regarding criminal investigations, in particular organized crime investigations involving migrant smuggling and human trafficking cases.
- Ministry of Foreign Affairs: Department dealing with refugees, migration and combating human trafficking, in order to ensure full ownership of Egyptian authorities as regards the project and its different components.
- Institutions of the judiciary, training institutes and other relevant actors.

In Libya, *the Department for Combating Illegal Migration* under the Ministry of Interior is a key UNODC partner with regards to the coordination of technical assistance to Libyan law enforcement officers in the areas of human trafficking and migrant smuggling. UNODC also maintains a strong working relationship with the Libyan Ministry of Justice and the Attorney-General Office with regards to interventions on both transnational organized crime and criminal justice.

The counterparts under this project in ***Libya*** are:

- Ministry of Interior: Directorate to Combat Illegal Migration (DCIM), as key UNODC counterpart with regards to the coordination of technical assistance activities for Libyan law enforcement officers related to the fight against human trafficking and migrant smuggling. Furthermore, UNODC will work with the International Cooperation Department, investigation units and intelligence services, border police forces, and the Special Intervention Unit (GIS).
- Ministry of Justice: Office of the Attorney-General, judges and prosecutors.
- Ministry of Economy: Customs Authority and Border Security Agency (border agents and analysts).
- Ministry of Health: Forensic professionals who are in direct or indirect contact with forensic evidence regarding criminal investigations, in particular organized crime investigations involving migrant smuggling and human trafficking cases, healthcare professionals and social workers working with migrant communities.

Institutions of the judiciary, training institutes and other relevant actors.
In Morocco, UNODC's main counterpart on migrant smuggling and human trafficking is *the Delegation of Moroccans Residing Abroad and Migration Affairs.* Furthermore, UNODC will specifically involve the Anti-Migrant Smuggling Unit under the Ministry of Interior, and will establish a working relationship with the Ministry of Labour.

The counterparts under this project in ***Morocco*** are:

- Ministry of Foreign Affairs: Delegation of Moroccans Residing Abroad and Migration Affairs is the main UNODC counterpart with regards to its human trafficking and migrant smuggling portfolio. UNODC will coordinate all activities with the Delegation and also provide capacity building to it.
- Ministry of Interior: the Directorate General for National Security – DGSN – which manages the national border crossing points. This includes the Immigration Police (*Police aux Frontières*), Investigations (*Direction de la Police Judiciaire*) and the Intelligence Unit (*Renseignements Généraux (RG)*), the Royal Gendarmerie and the Anti-Migrant Smuggling Unit.
- Ministry of Justice: Judges, investigating judges, and prosecutors.
- Ministry of Economy and Finance: Customs General Directorate.
- Ministry of Labour: Labour inspectors will benefit from increased capacities in identification and referral of human trafficking victims.
- Ministry of Health: Forensic professionals in direct or indirect contact with forensic evidence regarding criminal investigations, in particular organized crime investigations involving SoM and TiP cases, healthcare professionals and social workers working with migrant communities.

Institutions of the judiciary, training institutes and other relevant actors.

In Tunisia, all activities organized by UNODC must be approved by and coordinated with the Ministry of Foreign Affairs. UNODC is also discussing activities directly related to the fight against trafficking in persons under this proposal with the newly-established *National Commission to Combat Trafficking in Persons*, whose members will benefit from trainings on regional cooperation.

The counterparts under this project in ***Tunisia*** are:

- Ministry of Interior: the Tunisian Interior Security (ISF), the National Guards' General Directorate, crime investigation and analysis units, the Information Technology Departments of the Directorate General for National Security, the Directorate General for State Security (DGSS) and the border Police Directorate (DFE).
- Ministry of Justice: National Commission to Combat Trafficking in Persons.
- Ministry of Finance: Customs Authority and Border Security Agency (border agents and analysts).
- Ministry of Health: Forensic professionals who are in direct or indirect contact with forensic evidence regarding criminal investigations, in particular organized crime investigations involving migrant smuggling and human trafficking cases, healthcare professionals and social workers working with migrant communities.

Institutions of the judiciary, training institutes and other relevant actors.

Under the frameworks of the Regional Programme for the Arab States to Prevent and Combat Crime, Terrorism and Health Threats, and to Strengthening Criminal Justice Systems, in Line with International Human Rights Standards (2016-2021), UNODC is actively engaging with all five North African countries in the areas of combating migrant smuggling and human trafficking, strengthening border controls, and enhancing criminal analysis and special investigation techniques. UNODC has established strong working relationships with the relevant authorities in the five countries through previous and ongoing assistance in these areas, and the Office has repeatedly been requested to further support them to counter the increasing challenges stemming from illicit trafficking and organized criminal networks.

UNODC has held discussions and consultations with all five North African countries in proposed areas of intervention under this proposal. Relevant authorities have expressed strong interest and, in several cases, requested UNODC assistance in the proposed areas. For example, in the area of border control UNODC has been/is active in Algeria, Egypt and Tunisia. Morocco and Libya have officially agreed to become part of the UNODC Regional Land Border Control Project. Countries are particularly keen to strengthen their detection and interception capacities. Specifically highlighted by several countries was the topic of fraudulent documents. Furthermore, all five countries have expressed strong interest regarding support on criminal intelligence analysis during a meeting early 2016 between UNODC and the five countries. With regards to the investigation, prosecution and adjudication of migrant smuggling and human trafficking cases, UNODC has been providing extensive assistance to all five countries over the past years. However, in response to the drastic increase of migrant smuggling cases in the Middle East and North Africa, the countries have expressed interest in receiving in-depth capacity building, including on adequate protection and assistance to victims of human trafficking and to vulnerable migrants.

4. IMPLEMENTATION ISSUES

4.1. Financing agreement, where applicable

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of the Regulation (EU, Euratom) No 966/2012.

4.2. Indicative period of operational implementation

The indicative operational implementation period of this Action, during which the activities described in section 3.2 will be carried out and the corresponding contracts and agreements implemented, is 36 months, from the date of adoption of the Action Document. The implementation period will not go beyond 31 December 2020.

Extensions of the implementing period may be agreed by the Manager, and immediately communicated to the Operational Committee.

4.3. Implementation components and modules

The Action will be implemented through indirect management with an International Organisation, namely UNODC, in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

Selection of the implementing partners for this Action is based on the following criteria: presence on the ground, operational capacity and degree of expertise (mandate). Established in 1997, UNODC is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism. The three pillars of UNODC work programme are: filed based technical projects, research and analytical work, normative work to assist States in the ratification and implementation of the relevant international treaties and the development of domestic legislations. UNODC has delivered extensive technical assistance in the field of human trafficking and migrant smuggling in the Middle East and North African region over the past years. UNODC has Programme Offices in Morocco, Tunisia and Libya, and its Regional Office in Egypt and has gained strong acceptance and built trustful relations with national authorities in the region.

The activities proposed under the proposal are based on consultations with the five North African countries and build on UNODC past and ongoing initiatives aimed at enhancing border security and combat illicit trafficking, including migrant smuggling and human trafficking, in the MENA region. These initiatives have allowed UNODC to acquire a first-hand understanding of the situation and priorities of the countries covered by this Action, in addition to the progressive development of a unique experience and expertise in the areas of countering illicit trafficking, smuggling and border security.

UNODC has held discussions and consultations with all five North African countries in proposed areas of intervention. Relevant authorities have expressed strong interest and, in several cases, requested UNODC assistance in the proposed areas. For example, in the area of border control UNODC has been/is active in Algeria, Egypt and Tunisia. Morocco and Libya have officially agreed to become part of the UNODC Regional Land Border Control Project. Countries are particularly keen to strengthen their detection and interception capacities. Specifically highlighted by several countries was the topic of fraudulent documents. Furthermore, all five countries have expressed strong interest regarding support on criminal intelligence analysis during a meeting early 2016 between UNODC and the five countries. With regards to the investigation, prosecution and adjudication of migrant smuggling and human trafficking cases, UNODC has been providing extensive assistance to all five countries over the past years. However, in response to the drastic increase of migrant smuggling cases in the Middle East and North Africa, the countries have expressed interest in receiving in-depth capacity building, including on adequate protection and assistance to victims of human trafficking and to vulnerable migrants.
In accordance with Articles 192 of Regulation (EU, Euratom) No 966/2012, if full funding is essential for the Action to be carried out, the maximum possible rate of financing may be increased up to 100%. The essentiality of full funding will be justified by the Commission's authorising officer responsible for the delegation agreement, in respect of the principles of equal treatment and sound financial management.

4.4. Indicative budget

Component	Amount in EUR
Delegation Agreement with UNODC	15,000,000.00

4.5. Evaluation and audit

The partner implementing this Action will comply with the *ad hoc* Monitoring and Evaluation Framework developed for the Trust Fund's North of Africa Window. The logical framework annexed to the contract will incorporate the indicators formulated in this *ad hoc* Monitoring and Evaluation Framework. On the same note, the implementing partner will comply with the reporting requirements and tools being developed by the EU Trust Fund. This will allow for a consistent and consolidated reporting and monitoring system in the framework of the EU Trust Fund. In addition to monitoring mechanisms at the level of project, the Result Oriented Monitoring of the Commission will be used as in-house tool contributing to a regular assessment of progress. If necessary, *ad hoc* monitoring could be contracted by the Commission for this Action.

A final evaluation will be carried out for this Action via independent consultants contracted by the Commission. It will be carried out for accountability and learning purposes at various levels (including for policy revision).

The evaluation reports shall be shared with the partner countries and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner countries, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

Evaluation assignments will be implemented through service contracts; making use of one of the Commission's dedicated framework contracts or alternatively through the competitive negotiated procedure or the single tender procedure.
Without prejudice to the obligations applicable to contract concluded for the implementation of this Action, *ad hoc* audits or expenditure verification assignments could be contracted by the Commission. Audits and expenditure verification assignments will be carried out in conformity with the risk analysis in the frame of the yearly Audit Plan exercise conducted by the Commission. Audit assignments will be implemented through service contracts; making use of one of the Commission's dedicated framework contracts or alternatively through the competitive negotiated procedure or the single tender procedure.

4.6. Communication and visibility

Implementing partners funded by the EU Trust Fund for Africa North of Africa window shall take all appropriate steps to publicise the fact that an action has received funding from the EU under the Trust Fund. These measures shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated by the implementing partner at the start of implementation on the basis of the Communication and Visibility Manual for EU External Action[12]. Appropriate contractual obligations shall be included in the delegation agreement. The visibility will aim to emphasize on the project's contribution and the role of the EU in supporting national and international efforts to promote peace and stability, particularly in combatting human trafficking and migrant smuggling.

[12] https://ec.europa.eu/europeaid/funding/communication-and-visibility-manual-eu-external-actions_en