

GROUP 2

PREVENTION AND DETECTION OF TRAFFICKING IN PERSONS (TIP) AND SMUGGLING OF MIGRANTS (SOM), INCLUDING SUPPRESSION OF RELATED CRIMES

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I. INTRODUCTION

The discussion theme of group 2 is “Prevention and Detection of Trafficking in Persons and Smuggling of Migrants, Including Suppression of Related Crimes”. Various acts associated with TIP and SOM have also been criminalized. The prevention and detection of these related crimes leads to the prevention and detection of TIP and SOM. We focused on TIP and SOM carried out across borders and discussed countermeasures in the detection and investigation of related crimes. In the discussion, we sorted the crimes into three categories: entry by legal means, illegal entry from unmanaged borders, illegal entry with fake documents. The group discussed challenges and countermeasures for each of these categories.

II. ISSUES AND CHALLENGES

The following points were identified as the current situation and issues of investigation and detection of related crimes leading to prevention and detection of TIP and SOM.

A. Entry by Legal Means

Some trafficked persons enter a country legally using a valid passport with a visa. Even if the entry itself is not illegal, it can be assumed to be conducted as a means of TIP or SOM by brokers or criminal organizations.

1. Related Crime

After entry, if a person stays over the period permitted, the person will be classified as an “overstay”. In some countries, “overstays” are criminalized, as is activity that is not permitted by the person’s visa. In addition, a person who commits marriage fraud for acquisition of a visa is criminalized. The group recognized that there are cases in which forged documents are submitted to an embassy for acquisition of a visa.

2. Challenges and Countermeasures

During the visa application process, if forged documents are detected, the application will be denied. That is one of the ways to prevent TIP and SOM. To detect forged documents, related agencies in the country need to cooperate with visa examinations conducted by the embassy. Exposing overstays is one of the important challenges. Identifying overstays may be a clue for investigation of TIP and SOM. Therefore, to identify overstays, all investigators must have knowledge about TIP and SOM. It is important to identify overstays who are TIP victims and obtain information about criminal organizations from the victims.

B. Illegal Entry from Unmanaged Borders

Circumstances at borders are different between inland countries and island countries surrounded by sea. This is a type of illegal entry in which a person comes over the border without an immigration check.

1. Related Crimes

Generally, it is difficult to carry out illegal entry without help from criminal organizations. Therefore, illegal entry is criminalized, as well as helping some enter the country illegally. In addition, after the illegal entry, there are a lot of cases in which a person is exploited as a prostitute in a night club or a brothel, or as forced labour. This is common also a common characteristic of entry by legal means (type "A").

2. Challenges and Countermeasures

While it is difficult to monitor all of a country's borders, it is possible to find routes and hubs of smugglers by collecting information, or to use modern technologies and IT products such as drones to cover the lack of personnel. TIP victims can be found by exposing employers who hire illegal workers. Then a criminal organization which commits TIP or SOM may be detected. But it is very difficult to get the information from either the victim or the employer. When interviewing victims, it is necessary to build rapport with them. Also, it is important to get information about criminals of higher rank than the brokers from the employer by using plea-bargaining or promoting the use of amnesty for illegal migrants.

C. Illegal Entry with Fake Documents

This is a type of illegal entry, that a person who through an immigration examination by using a fake documents or spoofing.

1. Related Crimes

It is a crime for a person to use fake documents for illegal entry, and the person may have information that provides clues for the investigation of a criminal organization. If an immigration officer is bribed to facilitate illegal entry, it will be easy to identify this through an immigration examination by the officer. Therefore, corruption is a serious crime related to TIP and SOM.

2. Challenges and Countermeasures

In the case of fake documents, one challenge is how to detect them. Recently, passports with IC chips have become standard worldwide, and it makes forgery difficult. In the case of spoofing, one challenge is how to determine whether the passport holder is the true holder or not. Currently, immigration officers check identity by visual inspection. Therefore, training needs to be improved. As further measures, introduction of modern technologies for facial recognition and inputting biometric information on a passport should be considered.

It is difficult to solve the problem of corruption related to immigration. In our discussion, there was an opinion as the way to detect the corruption case. According to that, if the immigration service officially records each officer's name on each immigration examination in a database, it makes it easier to detect who might be bribed after illegal entry is detected. This seems to be a useful way to prevent corruption. Also, for prevention of corruption, ethics training and education is important.

III . CONCLUSION AND RECOMMENDATIONS

The members of group 2, all of whom are judges, prosecutors, or other law enforcement officials, finally reached agreement on the importance of the following as effective countermeasures against crimes related to TIP and SOM.

1. Victim Protection

Provide and establish additional legislative and promotional measures to reveal and protect victims of TIP and SOM.

2. Strengthening of International Judicial Cooperation

As a measure to find routes of illegal migrants, share information internationally as much as possible. Especially, it is important to exchange information about overstays between the origin and destination

country in order to locate them and the crime organization behind them.

3. Capacity-Development Training for Law Enforcement Agencies and Introducing Modern Investigation Tools and Technologies

As the capacity of investigators and other law enforcement officials is critical to countering TIP and SOM, training should be conducted to enhance skills for the prevention and prosecution of organized crimes. Also, modern investigative tools and technologies should be introduced.

4. Conducting Public Awareness Campaigns

In origin countries, public awareness campaigns should be directed to members of the general public who may become TIP victims. In destination countries, amnesty should be given to illegal migrants to promote cooperation with law enforcement, and law enforcement should collect information on criminal organizations from them.