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| **Evaluation Guide** |

**Compliance Indictors for State Commitments Acquired under the   
*Protocol against the Smuggling of Migrants by Land, Sea and Air, which   
Complements the Convention against Trans-National Organized Crime***

**International Organization for Migration**

**(IOM)**

**Regional Conference on Migration**

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1. **Use of the Evaluation Guide**

The *Protocol against the Smuggling of Migrants by Land, Sea and Air, which Complements the Convention against Trans-National Organized Crime* was adopted in response to concern by the States Parties regarding the notable increase in the activities of organized criminal groups involving migrant smuggling and other related criminal activities, a situation that seriously endangers the life and security of the affected migrants, as well as jeopardizing the security of the affected States.

This *Guide* for evaluating compliance with the commitments acquired by the State within the context of the Protocol against the Smuggling of Migrants by Land, Sea and Air consists of a support mechanism for determining the progress of the actions taken by State institutions corresponding to each commitment established in the Protocol. With this tool, official decision-makers can assess the steps to be taken to improve or modify the objectives set forth and/or formulate new strategies for comprehensively addressing migrant smuggling.

From a regional perspective, the evaluation of compliance indicators serves as a tool for comparing good practices and new challenges in combatting migrant smuggling. For this reason, it is important to obtain reliable and current information from official sources to ensure an objective evaluation or self-evaluation, along with a consistent platform for analyzing, appraising, and modifying or improving the legal or operational focus of a given commitment.

1. **Definitions**

For purposes of this *Evaluation Guide*:

**1. Compliance indicator** shall be understood to mean a datum or set of data that help to objectively measure, with reference to a given time period, the evolution of actions taken by the State to comply with a given commitment acquired within the framework of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

**2. Evaluation** shall be understood to mean the comparison between the State proposal for complying with a given commitment acquired under the Protocol against the Smuggling of Migrants by Land, Sea and Air and the corresponding progress or results obtained during a given period of time.

1. **Acronyms**

CTOC: Convention against Trans-National Organized Crime

MS: Migrant smuggling

MSS: Migrant subject to smuggling

PSM: Protocol against the Smuggling of Migrants by Land, Sea and Air

1. **Objectives of the Compliance Indicators**

**General Objectives**

1. Describe the current status of the actions taken by the State for complying with its commitments acquired under the Protocol against the Smuggling of Migrants by Land, Sea and Air, and assess their impact on the prevention and prosecution of this crime and the attention and protection provided to the affected persons.
2. Evaluate the impact of the measures adopted by the State for comprehensively addressing MS in relation to the commitments acquired under the Protocol against the Smuggling of Migrants by Land, Sea and Air, identify existing legal and procedural gaps, and determine the corresponding corrective and adjustment mechanisms needed to achieve the objectives set forth.

**Specific Objectives**

1. Determine what actions have been implemented by the State to prevent MS and what resources and procedures are used to apply them, and evaluate the social impact thereof on reducing demand.
2. Identify the mechanisms and procedures established by the State for detecting, investigating, and prosecuting the crime of migrant smuggling, as well as the level of effectiveness thereof in the form of successful police operations and convictions.
3. Determine what programs and processes exist for serving and protecting MSS and evaluate their effectiveness.
4. Identify what actions have been proposed by the State to improve communication between entities at the national level and cooperation with other countries regarding efforts to combat MS.

The compliance indicators should reflect official information that ensures the accuracy, coherence, transparency, and currentness of the data, and especially the official position of the State concerning the strategy to address a given commitment acquired within the framework of the Protocol against the Smuggling of Migrants by Land, Sea and Air.

1. **Document Structure**

The document will be structured based on three types of compliance indicators:

1. **General**. Establish the overall vision of a given commitment based on the design of the structural, legal, or procedural framework that guides the development of more concrete provisions or measures. These indicators refer to the creation of statutory norms, plans, programs, and strategies or the establishment of specialized entities.
2. **Intermediate.** Refer to measures or provisions designed to implement the structural framework described in the general indicators by allocating the necessary human, technical, and economic resources. The intermediate or process indicators can also offer information on variations in the quality level or coverage of a given measure.
3. **Specific.** These focus on the qualifiable and quantifiable results or achievements obtained through the execution of the measures or provisions covered by the intermediate indicators.
4. **Information Sources**
5. International legal instruments ratified by the country that refer to MS or related issues (international conventions on migrant smuggling, human rights, organized crime, maritime law, and victim and witness protection, among other subjects).
6. Strategies, programs, and plans at the regional or continental level that define concrete actions for addressing MS (agreements, guidelines, joint operations, etc.).
7. National legal provisions (constitution, laws, decrees, regulations, etc.).
8. Judicial files.
9. Judicial statistics (cases processed and/or resulting in definitive sentences).
10. Statistics from police agencies and/or other specialized national entities [records on the number of cases investigated, smugglers prosecuted, and migrants rescued (categorized by sex, age, nationality, smuggling mode), etc.].
11. Jurisprudence.
12. National policies.
13. National strategic plans or plans of action (for prevention, migrant service and protection, national coordination mechanisms, frameworks for cooperation with other countries).
14. Structural programs focused on detection, dissemination, training, migrant service and protection, etc.
15. Action protocols related to inter-institutional coordination for case handling, specifically referring to the different actions focused on different MSS populations or flows (men and women, unaccompanied or accompanied children and adolescents).
16. Reports or financial statements (amount of resources allocated to carrying out the actions proposed by the State to address this issue, with special emphasis on comprehensive migrant attention services).
17. Operational police protocols designed to carry out specific actions stemming from proactive investigation (police intelligence) or reactive investigation (police acts) aimed at case handling.
18. Specialized manuals on MS or related subjects.
19. Protocols or operational guidelines regarding migratory procedures for MSS (rejection, repatriation, resettlement, etc.).
20. Academic studies or studies carried out by national or international specialized bodies that refer to this issue (general studies, diagnoses, theses, etc.).
21. Interviews with State officials focusing on this issue.
22. Interviews with migrants, representatives of non-governmental organizations, international bodies, independent experts, and/or civil society actors.
23. **Evaluation Period**

Establishes the duration for the evaluation of the development of a given commitment acquired by the State within the framework of the PSM.