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Secretariat for Multidimensional Security

**XLVII MEETING OF THE GROUP OF EXPERTS
FOR THE CONTROL OF MONEY LAUNDERING
September 24 to 25, 2019.
Bogota – Colombia**

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**PRESENTATION
FINAL REPORT
STUDY ON TRAFFICKING IN PERSONS AND MIGRANTS SMUGGLING AS
PRECEDENT CRIME FOR MONEY LAUNDERING IN THE REGION**



17th St. & Constitution Avenue N.W.
Washington, D.C. 20006
Estados Unidos de América

Organización de los Estados Americanos

T. 202.458.3000
www.oas.org

Secretaría de Seguridad Multidimensional

CUADRAGÉSIMA SEGUNDA REUNION DEL
GRUPO DE EXPERTOS
PARA EL CONTROL DEL LAVADO DE
ACTIVOS
24 y 25 de septiembre de 2019
Bogotá – Colombia

FINAL REPORT

STUDY ON TRAFFICKING IN PERSONS AND MIGRANTS SMUGGLING AS PRECEDENT CRIME FOR MONEY LAUNDERING IN THE REGION

**BOLIVIA AND CHILE, Co-coordinators of the
Subgroup of Financial Intelligence Unit and
Organisms OF Criminal Investigation – FIU/OCI**

FINAL REPORT STUDY ON TRAFFICKING IN PERSONS AND MIGRANTS SMUGGLING AS PRECEDENT CRIME FOR MONEY LAUNDERING IN THE REGION



GENERAL OBJECTIVE



To know the state of the countries of the group, in terms of the prosecution of money laundering cases based on crimes trafficking in persons and of migrants smuggling.

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SPECIFIC OBJECTIVES

- Gathering information of the countries related with the legal definition of these crimes as a base for money laundering and their investigative experiences.
- To know and share good practices in the prosecution of money laundering based on trafficking in persons and migrants smuggling.
- To share the challenges in the prosecution of money laundering based on such crimes, in order to propose actions that assist countries in overcoming such challenges.

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METHODOLOGY

- The group designed a questionnaire, approved by the Technical Secretariat, which was circulated among all members of the group through “e-encuestas”.
- The answers were received until September 19th 2019. Until such date 32 answers were received, corresponding to 18 countries. The final results will be presented ahead.
- The analysis will be submitted for approval of the plenary's, in order to know if it is necessary to go deeper in the analysis of the topic.

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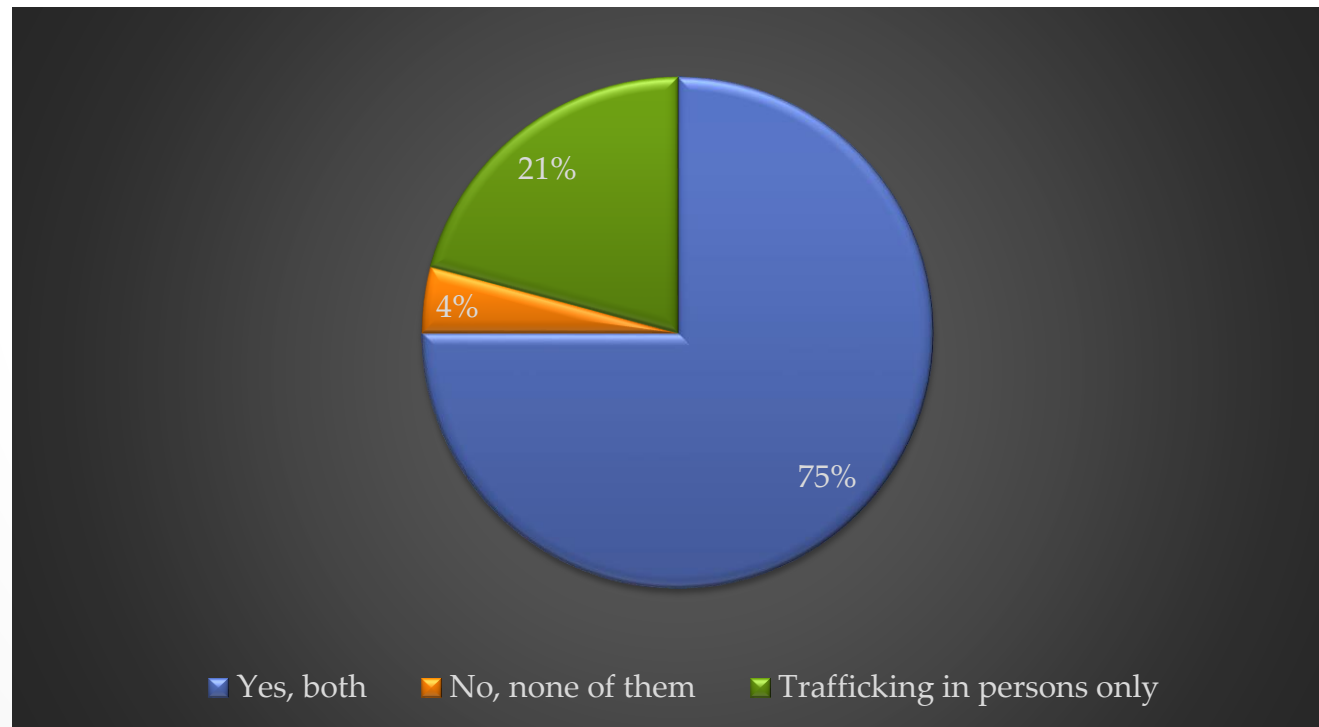
Countries that answered	Countries that did not answer
Argentina	Antigua
Bahamas	Barbados
Brazil	Belize
Bolivia	Canada
Colombia	Cuba
Chile	Dominica
Costa Rica	Ecuador
El Salvador	Haiti
Spain	Jamaica
United States	Nicaragua
Guatemala	St. Kitts and Nevis
Guyana	Santa Lucia

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Countries that answered	Countries that did not answer
Grenada	Suriname
Honduras	Venezuela
México	
Panamá	
Paraguay	
Peru	
Dominican Republic	
Uruguay	
Saint Vincent and the Grenadines	
Trinidad and Tobago	
2 answers not identified	
Total 24 answers	No answer from 14 countries

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In your country, is there a criminal offence type for migrants smuggling and/or trafficking in persons?



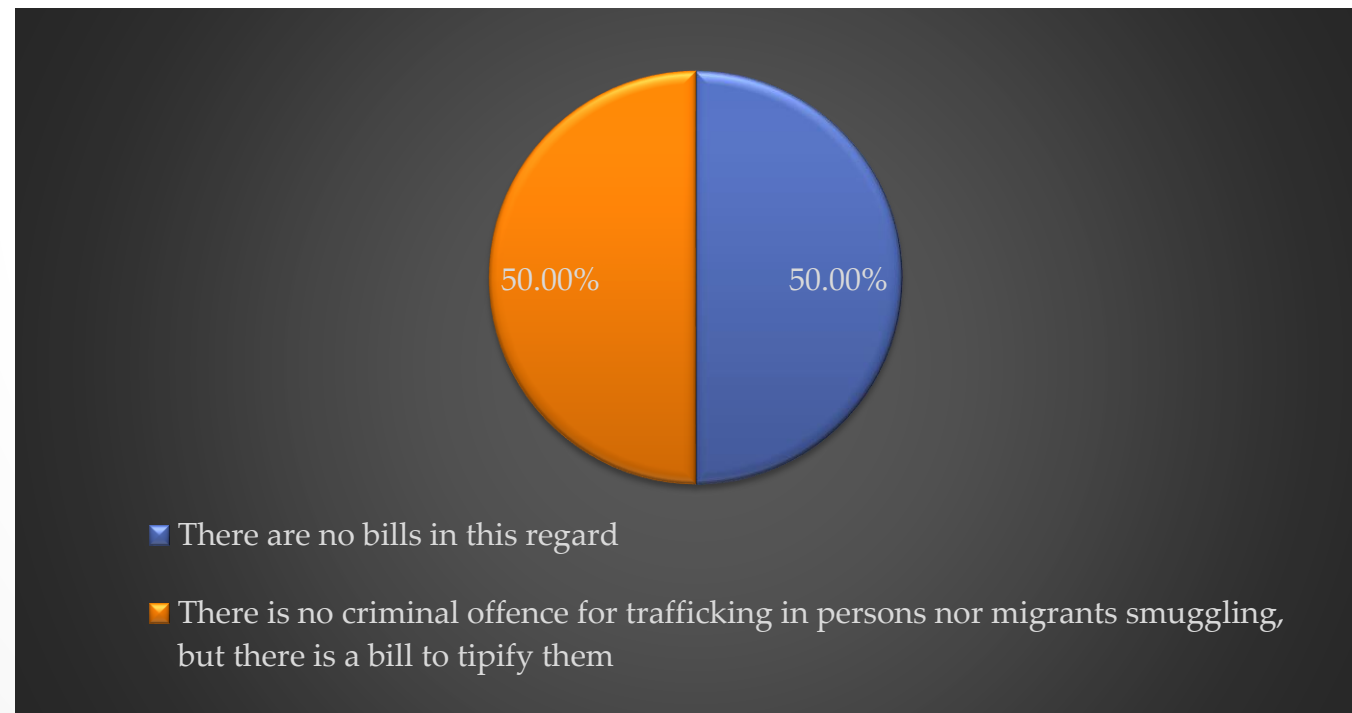
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In your legislation, are the crimes of trafficking in persons and migrant smuggling base crimes of money laundering?



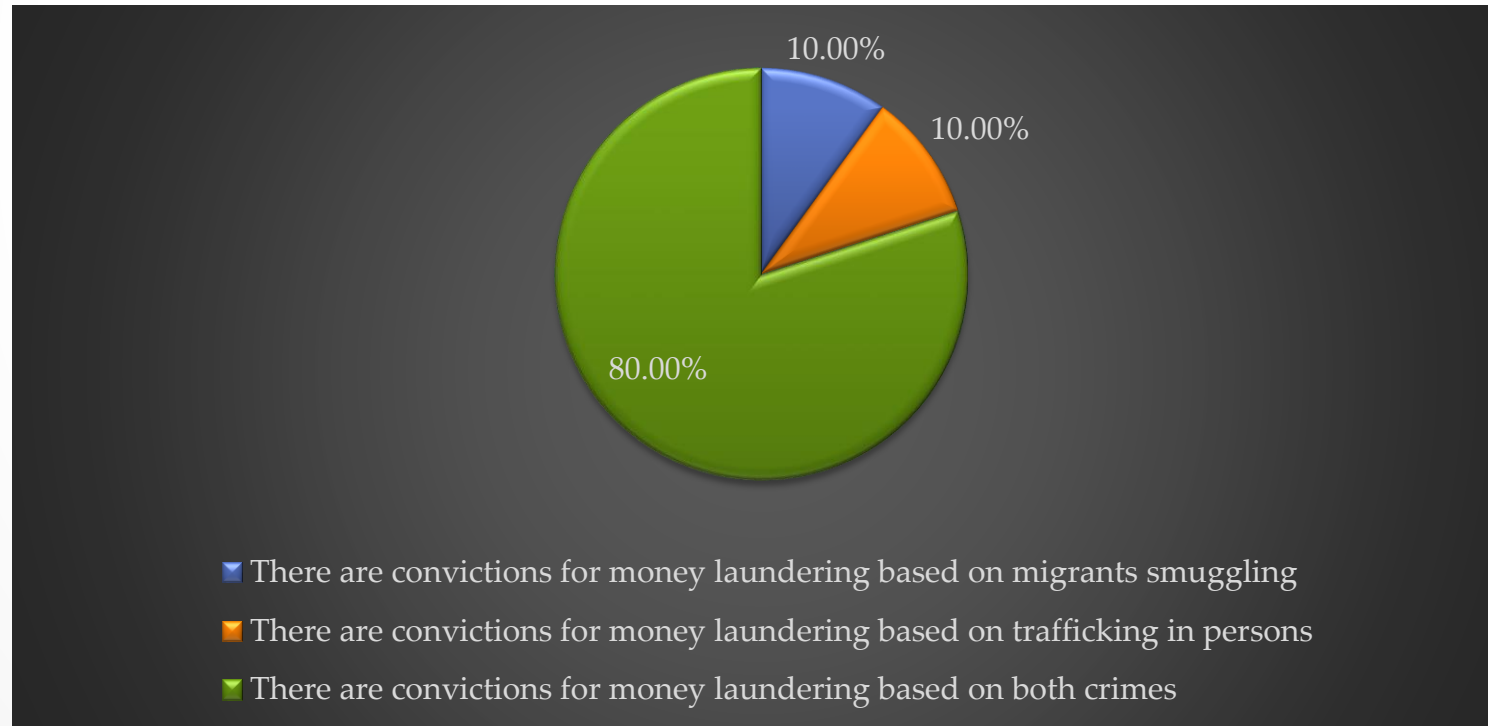
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If your previous answer was negative, indicate whether there are bills to make the crimes of trafficking in persons and / or migrants smuggling a base offense for money laundering.



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If the answer to question number 4 is positive, are there convictions in your country for money laundering with any of these base crimes?



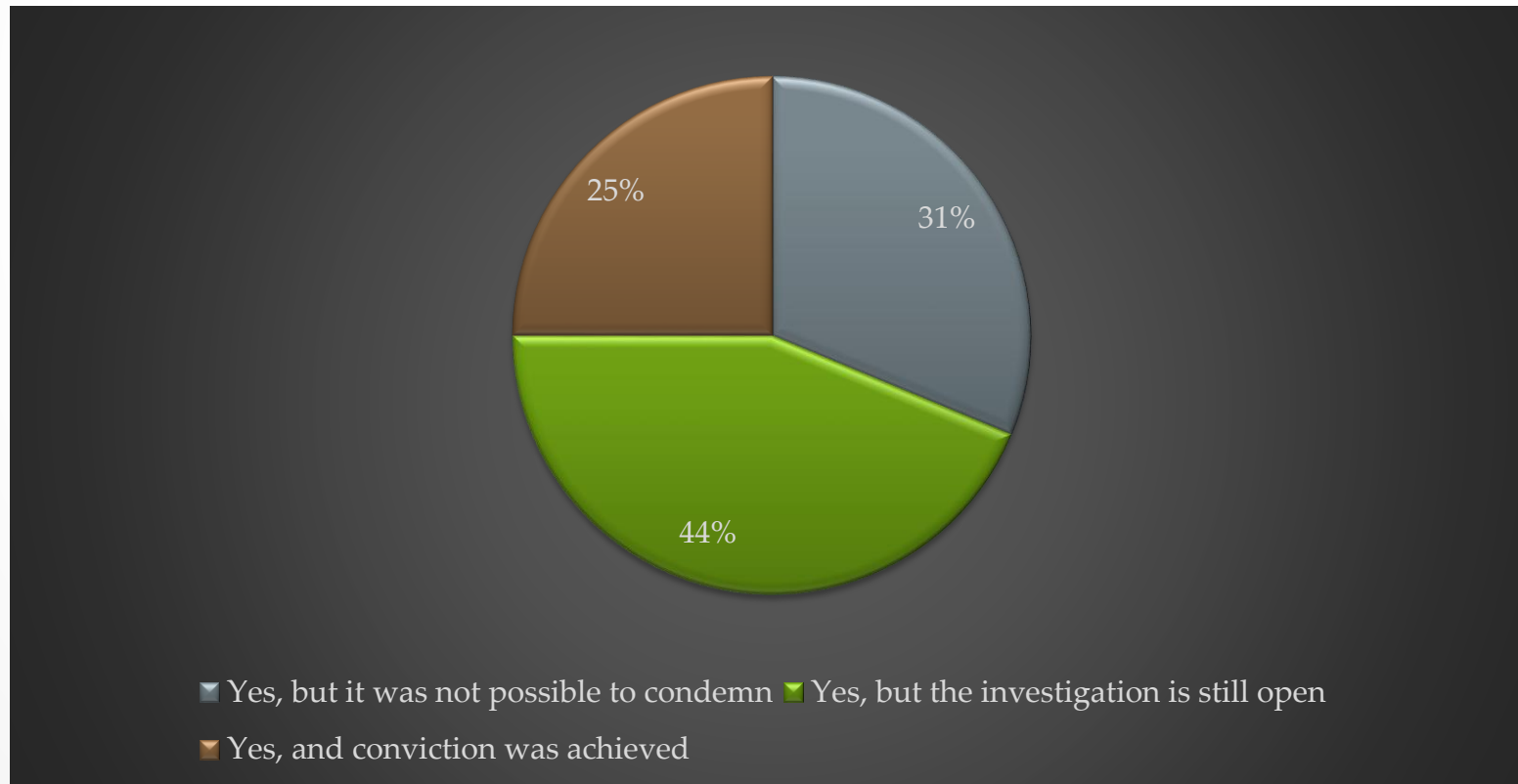
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**Has your country investigated money laundering
based on trafficking in persons?**



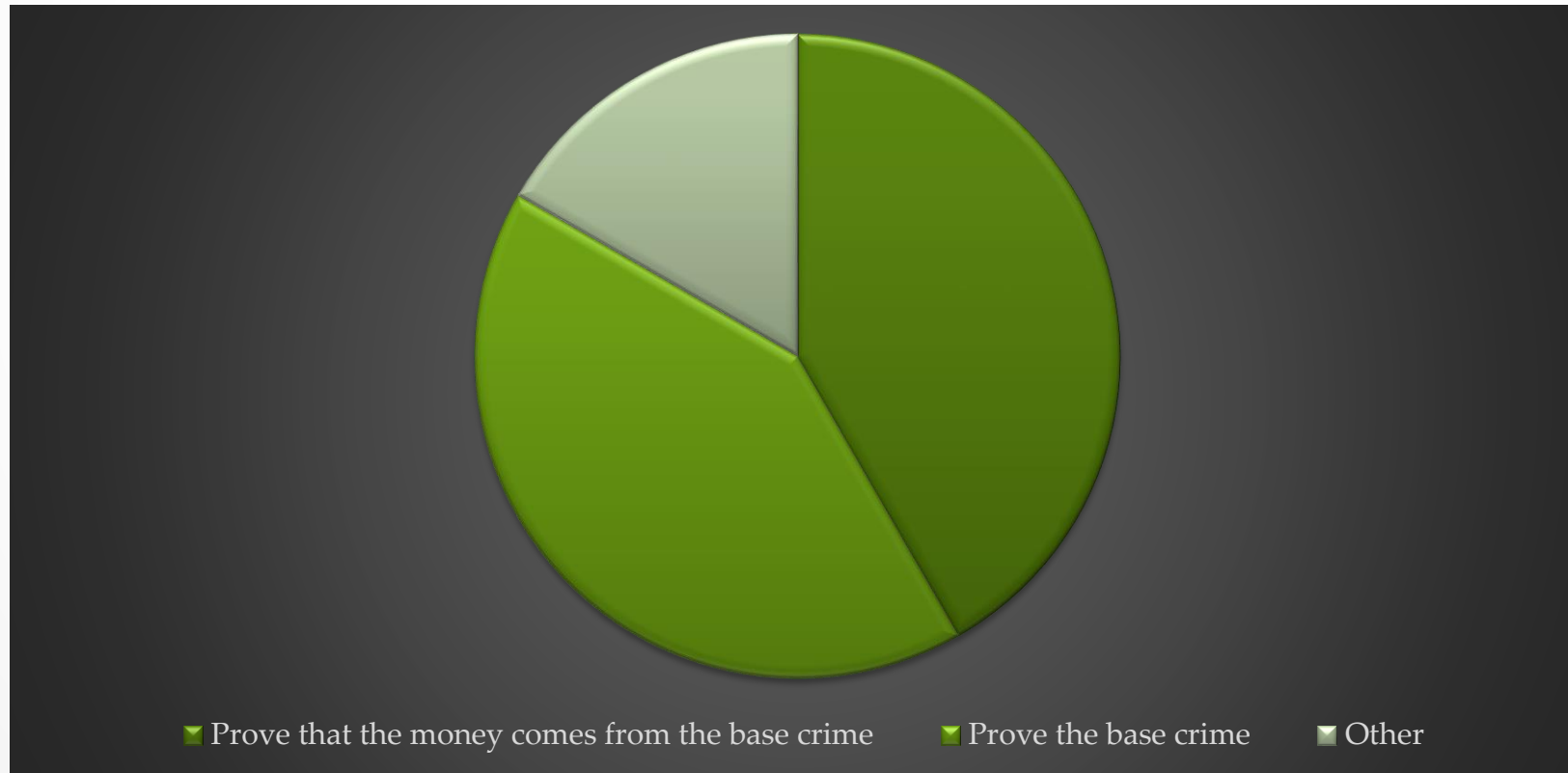
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**Has your country investigated money laundering
based on migrants smuggling?**



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If you answered that there are no convictions, what do you think was the main difficulty in these cases?



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RESULTS:

- 1.- Most countries indicated that the crimes of trafficking in persons and migrants smuggling are a base crime for money laundering in their legislations.
- 2.- Most of the countries that indicated that these crimes are not base for money laundering offense, and also highlighted that they currently have legislative proposals to include them.
- 3.- Among the countries that have these crimes as a base for money laundering, most of them have convictions for ML with both crimes as predicate offenses.
- 4.- Among the countries that have investigations of ML bases on these crimes, more investigations are reported with "trafficking in persons" as a base crime than with "migrants smuggling".
- 5.- Regarding the challenges, proving that the money comes from the base crime and proving the base crime are indicated as principals.

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SUGGESTED ACTIONS TO IMPROVE THE PROSECUTION OF MONEY LAUNDERING IN THESE CRIMES:

- 1.- To conduct parallel financial investigations every time that crimes of migrants smuggling and trafficking in persons are investigated.
- 2.- The alerts related with these crime are generally connected to the delivery of shipments overseas, or from the country of origin to the destination.
- 3.- Migrants smuggling and trafficking in persons produce substantial profits, which must not be discarded as subject of investigation for money laundering.
- 4.- In some opportunities, illicit associations are dedicated to drug-trafficking, migrants smuggling and trafficking in persons, it is imperative to financially dismantle these organizations.

Thanks !!!!