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EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

WORKING GROUP ON THE PREVENTION OF SMUGGLING OF MIGRANTS

Concept paper

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Directorate General I – Human Rights and Rule of Law

I. Background

On 23 June 2017, the Council of Europe (CoE) held the Conference on the Smuggling of Migrants in Strasbourg. Participants discussed best practices and concrete measures to prevent and combat the smuggling of migrants; strategies for more efficient co-operation and information exchange. The final observations include suggestions for the CoE further action on the smuggling of migrants. The European Committee on Crime Problems (CDPC) decided “to set up two focused working groups composed of experts dealing with a) preventive measures and b) practical measures to improve international co-operation”.

II. Focus of the Working Group on Prevention of Smuggling of Migrants

The purpose of the Working Group is to explore the full spectrum of prevention of smuggling of migrants, to identify the key issues and obstacles of prevention, examine best practice models, and produce guidelines and recommendations that can assist member States in developing national preventions strategies and practical measures.

Some of the key issues to be explored include, but are not limited to:

Data-collection and research:

Efforts to effectively prevent and suppress migrant smuggling are severely hampered by the lack of comprehensive data collection. In spite of the widespread tendency to attempt to estimate or guess the scale of migrant smuggling and the number of smuggled migrants, there are few reliable statistics. Scholarly research is a crucial step in understanding migrant smuggling. It can also assist in assessing existing and proposed government policies, legislation, administrative and enforcement measures, and in developing recommendations for law reform and policy change.

Awareness-raising:

Prevention involves measures aimed at would-be migrants, alerting them to the real and potential dangers associated with smuggling. It further involves measures to reduce the demand for smuggling by providing accurate information about the circumstances and consequences of illegal entry and stay in transit and destination countries and by promoting safe and legal avenues of migration. Member States could be further assisted in their efforts to develop awareness-raising campaigns as part of their prevention strategies.

Deterring smugglers:

Prevention further involves measures targeted at would-be smugglers aimed at warning them about the penalties and punishment for migrant smuggling offences. Strategic measures that turn smuggling from a “low risk, high profile activity” into a “high risk, low profit crime” should be developed. Prevention further involves measures targeted at would-be smugglers aimed at warning them about the penalties and punishment for migrant smuggling offences. Strategic measures that turn smuggling from a “low risk, high profile activity” into a “high risk, low profit crime” should be developed.

Smuggling of migrants vis-à-vis legal avenues of migration:

Effective measures to prevent and combat the smuggling of migrants require accurate information and a sound understanding of the relevant policies, laws, and administrative measures in source, transit and destination countries. The opportunity to conduct a study examining the full range of prevention measures and gather data on the levels and patterns of smuggling of migrants as well as on the legal avenues of migration in member States deserves further consideration.

III. Composition and Working procedure of the Working Group

The Working Group's membership comprises highly qualified experts, including practitioners working in the field, as well as specialists from academia and research community. The Group will be composed by 15 experts. At least one member of the CDPC Bureau should take part in the Working Group. The Group's mandate should last two years, renewable if necessary.

In the initial phase the group has to produce a working plan with a timeline after an initial assessment of the relevance of the proposed themes, of the specific knowledge and capability of each expert involved and of the desired final product of the work. The subgroups will present the outcome of their respective studies in a final Report to be submitted to the CDPC Plenary for discussion and final approval.

IV. First Working Group Meeting, Paris, 21-22 June 2018

The first meeting of the Working Group will take place in Paris, France on 21 and 22 June 2018. It serves to identify and outline the full spectrum of measures and issues associated with the prevention of smuggling of migrants and determine the future agenda of the Working Group.

Background papers and the full agenda for the June meeting will be made available to participants approximately 8 to 6 weeks prior to the meeting.