

Strasbourg, 13 June 2016

## Extract of the List of Decisions of the CDPC Bureau

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### 5. Smuggling of migrants

- to examine the two new documents (“National laws relating to smuggling of migrants in Council of Europe member States” and “Preventing and suppressing the smuggling of migrants in Council of Europe member States – A way forward”) prepared by the working group on smuggling on migrants to respond the CDPC’s requests “to complete the Discussion Paper by including a number of measures and concrete proposals for action to ensure a proper follow-up to the question of “Smuggling of migrants” within the CDPC and to submit it to the Bureau and afterwards to the forthcoming CDPC plenary meeting”;
- that the document “National laws relating to smuggling of migrants in Council of Europe member States” is referenced as a working document prepared for the discussion at the forthcoming CDPC Plenary meeting in June and to be sent to the Secretary General of the CoE for information;
- to consider that rather than drafting a new convention on the subject matter, a recommendation could be a better solution to achieve efficient results in the fight against the smuggling of migrants as a recommendation could urge member States to implement the already existing provisions/texts, in particular the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air by effectively criminalising, investigating and prosecuting acts of smuggling of migrants. Drafting and negotiating such a recommendation would have the advantage to produce quicker results than a possible new convention, as it would take considerable time until a new convention would be finally negotiated and actually enter into force and could thus become applicable in a relevant number of member States. Finally the recommendation may include a specific provision suggesting that, after an assessment of the situation, if the existing instruments are not sufficient for an effective fight against smuggling of migrants, the CoE could come back to the question of whether to draft a new convention;
- in view of the above, to instruct the Secretariat to revise, together with the experts, the document “Preventing and suppressing the smuggling of migrants in Council of Europe member States – A way forward” accordingly and explaining the added value of drafting a CoE recommendation on the topic of the smuggling of migrants and presenting the general content of such a recommendation. This finally revised document should be ready for discussion at the forthcoming CDPC Plenary meeting in June 2016;
- to discuss at the next CDPC Plenary meeting in June whether - and if so which one – a legal instrument (CoE convention or recommendation) should be drafted;
- that, if the final decision of the CDPC Plenary is to draft a recommendation, an open-ended drafting Group composed of experts, representatives from member States and the Secretariat should be set up with the objective of starting the drafting work of the recommendation immediately after the summer break;

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