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# COUNCIL OF EUROPE

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## **2<sup>nd</sup> International Conference on Migrant Smuggling**

**10-11 September 2024**

### **Concept note**

*The Conference is being organised under the auspices of the European Committee on Crime Problems (CDPC), in collaboration with the Office of the Special Representative on Migration and Refugees*

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## Background

Countering migrant smuggling is identified as a priority in the decisions of the Council of Europe Heads of State and Government at their [4th Summit held in Reykjavik on 16-17 May 2023](#). The European leaders stated in the Reykjavík Declaration:

“We recall the increasing challenges of migration and the necessity to fight against trafficking and smuggling of migrants. We commit to intensifying efforts to foster and improve international co-operation in this regard, while continuing to protect the victims and respect the human rights of migrants and refugees, as well as supporting frontline States, within the existing Council of Europe frameworks”<sup>1</sup>.

Recent tragedies have shown how migrants continue to attempt irregular avenues and dangerous routes and increasingly turn to smugglers, putting their lives at risk and exposing themselves to serious human rights violations. Those smugglers benefit from legal loopholes and jurisdictional gaps, including varying, or imprecise, definitions that may hamper international cooperation to prosecute smugglers while protecting migrants, and inadequate enforcement or penalties that are not sufficiently deterrent. Corruption and other crimes may also undermine anti-smuggling efforts. Maritime smuggling or smugglers operating within broader criminal or financial networks present specific challenges. While clear legal consequences for smugglers can reduce the phenomenon, migrants should not be criminalised and their rights should be protected.

The Council of Europe treaties, mechanisms and standards on mutual legal assistance in criminal matters are relevant for the cooperation between EU member States and non-EU member States Parties to these treaties in the area of countering migrant smuggling. Moreover, most of these treaties are open to third countries. This is particularly important given that the geographical scope of cooperation and coordination of action against migrant smuggling goes beyond the European space.

The European Committee on Crime Problems ([CDPC](#)) of the Council of Europe has been actively engaged in addressing the issue of migrant smuggling and has developed the 2020 [Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants](#). The Action Plan is still being implemented and the work undertaken has confirmed the importance of complementarity and cooperation with other international actors on these matters. The Council of Europe Network of Prosecutors on Migrant Smuggling was set up within the Action Plan and has met annually in recent years. CDPC Delegations have also developed [country profiles](#) setting out legal and judicial information on migrant smuggling that other countries are able to draw on for their work.

Following on from the Reykjavik Declaration, the Committee of Ministers of the Council of Europe tasked the CDPC with preparing a report assessing the need for and feasibility of a possible instrument in the field of migrant smuggling. The report is to be finalised by the end of 2024.

The CDPC is carrying out this exploratory work in consultation with the [Special Representative of the Secretary General](#) of the Council of Europe on Migration and Refugees and his office.

In response to the pressing challenges posed by migrant smuggling, and in order to help inform the completion by the CDPC of the task given to it by the Committee of Ministers, the Council of

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[Reykjavik Declaration](#), page 7.

Europe is organising a 2<sup>nd</sup> International Conference on Migrant Smuggling. It will build on the 1<sup>st</sup> such International [Conference](#) which took place in 2017.

The Conference is intended to offer an opportunity to exchange on the current challenges, as well as the efforts of the Council of Europe in this field. The main topics at the 2024 Conference will relate to the prevention and criminalisation of migrant smuggling, the promotion of international cooperation in this field, and the protection of smuggled migrants.

Representatives from member States will share their views and experiences as regards anti-smuggling efforts. Participants will also hear from international organisations and their agencies and networks, in particular the United Nations and the European Union. Civil society organisations will contribute as well.

The conference will conclude with a separate session reserved for a meeting of the Network of Prosecutors on Migrant Smuggling, building on the success of such meetings held in 2022 and 2023.

### **Aim and topics for the 2<sup>nd</sup> International Conference on Migrant Smuggling**

The aim of the Conference is to foster enhanced international cooperation, discuss the effectiveness of the existing legal frameworks and any possible gaps, share best practices, and look at comprehensive measures needed for effectively countering migrant smuggling. Such measures would aim at prosecuting smugglers while protecting the rights and dignity of migrants and avoiding criminalisation of humanitarian assistance.

The topics to be examined will include:

***International cooperation***, which is essential when it comes to combating a crime that is transnational by nature. Cooperation between Council of Europe member states, and between member states and third countries where most migratory flows originate, still needs to be reinforced.

***Legal frameworks*** related to migrant smuggling at international and national levels, which may need to be clarified, enhanced or completed, both regarding the criminalisation of offences and the protection of victims of smuggling and those who assist them.

***Other challenges*** related notably to the **investigation and prosecution of migrant smuggling** may include a lack of clarity in terms of criminalisation, aggravations and penalties related to this offence.

Participants may also wish to examine issues such as:

- The protection of **victims** (vulnerable persons, gender dimension) and the rights of witnesses and collaborators of justice.
- Actions to address **new criminal techniques** (use of modern technologies and financial tools to facilitate migrant smuggling).
- Actions to address the **links between smuggling and other types of crime** (money laundering and corruption, as well as child labour, sexual slavery, human trafficking, drug trafficking, etc.). The Council of Europe monitoring processes in this field are an important asset in this endeavour (notably GRECO and MONEYVAL). Moreover, as migrant smuggling is increasingly organised online, E-evidence and investigative capabilities are

needed to tackle it; the Council of Europe cybercrime instruments and cooperation fora can be very relevant in this respect.

### **Target Audience**

Participants in the Conference would primarily be:

- Representatives of relevant authorities from Council of Europe member and observer States.
- Members of the Council of Europe Network of Prosecutors on Migrant Smuggling.
- Members of the Eurojust Focus Group on Migrant Smuggling.
- Identified partners from third States, in particular, prosecutors and representatives of national legal and judicial authorities.
- Representatives from United Nations agencies/bodies (UNODC, UNHCR, IOM) and from the European Union.
- Civil society representatives.

### **Timing and place**

The Conference will take place on 10-11 September 2024 at the Council of Europe Headquarters in Strasbourg, France.

A hybrid format will facilitate flexible and remote participation.

### **Expected outcomes**

- **Enhanced understanding and practical insights on the topic of migrant smuggling.**
- **Strengthened International Cooperation:** Building on the progress made during the 2023 meeting of the Network of Prosecutors, with participation of prosecutors from various countries (including Brazil and Nigeria), the Conference will foster cooperation among source, transit, and destination countries, in line with the Council of Europe Action Plan on fighting migrant smuggling.
- **Enhanced collaboration among prosecutors on migrant smuggling:** The Conference will reinforce the engagement and mutual trust among prosecutors who are members of the Council of Europe Network of Prosecutors on Migrant Smuggling, highlighting the significance of continuing their collaboration, and their interaction with peers, including, but not limited to, the members of the Eurojust Focus Group on Migrant Smuggling.
- **Inform** the drafting process of the report by the Council of Europe assessing the need for and feasibility of a possible instrument in the field of smuggling of migrants, to be adopted by the European Committee on Crime Problems (CDPC) in 2024.