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# **EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)**

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## **2nd meeting of the Working Group on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants**

**Venice, 10 April 2019**

Council of Europe Programme Office  
Piazza San Marco 180C, 30124 Venice, Italy

### **Conclusive observations**

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In 2016, the European Committee on Crime Problems (CDPC) commissioned two studies on “National Laws Relating to Smuggling of Migrants in Council of Europe Member States” and on “Preventing and suppressing the smuggling of migrants in Council of Europe member States – ‘a way forward’”. On 23 June 2017, the Council of Europe held the Conference on the Smuggling of Migrants in Strasbourg. The Conference’s final observations included suggestions for Council of Europe’s further action in this field. To ensure follow-up to the outcome of the Conference, the CDPC decided to set up two Working Groups dealing with a) preventive measures and b) practical measures to improve international co-operation.

Under the Chairmanship of Mr Calogero FERRARA, Magistrate member of the Trafficking and Immigration Division, Public Prosecutor’s Office at Tribunal of Palermo, the first meeting of the Working Group on fostering international co-operation and investigative strategies in fighting the smuggling of migrants took place on 20 - 21 June 2018 in Paris, France, back to back with the first meeting of the Working Group on Prevention of Smuggling of Migrants. As for the latter, at its 75th Plenary Session, the CDPC decided that “the possible future activities of this working group should not remain in the remit of the CDPC because there are very little substantive elements directly related to its field of competence” [CDPC\(2018\)21](#).

The second meeting of the Working Group on fostering international co-operation and investigative strategies in fighting the smuggling of migrants took place on 10 April 2019 in Venice, Italy. The Working Group further discussed investigative approaches, exchange of information and gathering of evidence, including through presentation of high value cases on migrants smuggling where international co-operation was crucial to overcome investigative, prosecutorial and judicial challenges. In this respect, two cases were presented respectively by Ms Ann LUKOWIAK, Federal magistrate, Federal Prosecution Office, Brussels, Belgium, and Mr Martin BORZA, National Unit Combating Illegal Migration, Bureau of Border and Foreign Police, Presidium of the Police Force, Slovak Republic.

In line with the Conclusive observations to the first meeting of the Working Group ([CDPC-SOM-C\(2018\)1](#)), participants agreed that the main purpose of the second meeting was to continue the discussion on how to translate their observations in concrete Council of Europe’s actions. To this scope, the Secretariat and the Chair drafted a Council of Europe Action Plan aimed at identifying opportunities where the Council of Europe can play a crucial role in fostering international co-operation and investigative strategies in fighting the smuggling of migrants.

The draft Action Plan puts forward 6 actions lines to be undertaken by the Council of Europe. In short, the 6 action lines comprise the following:

- i. Setting up of a Council of Europe Network of Prosecutors on Migrant Smuggling in order to address investigative, prosecutorial and judicial challenges in migrant smuggling-related cases;
- ii. Establishing a Working group of experts and relevant national authorities focusing on the analysis, identification and evaluation of mutual legal assistance mechanisms and alternative methods of international co-operation;
- iii. Organisation of a Workshop gathering together relevant authorities and experts to foster co-operation amongst source, transit and destination countries;
- iv. Examine the possibility of listing 24/7 points of contact to facilitate first alert contact between law enforcement authorities dealing with migrant smuggling;
- v. Creation of a Council of Europe open database containing judicial and legislative information on migrant smuggling and facilitating knowledge sharing;
- vi. Development and application of a business model canvas as an investigative tool to identify critical factors capable of determining smugglers' modus operandi.

In the course of the second meeting, the draft Action Plan was discussed paragraph by paragraph. Participants made suggestions and amendments to the document and instructed the Secretariat to elaborate further the text, also in order to include a reference to the necessity of co-operating with all relevant international and regional organisations and co-ordinating with them the activities, building on each other's work and avoiding unnecessary duplication.

The consolidated draft Action Plan will be presented to the CDPC for its approval at the occasion of its next Plenary meeting to be held on December. With the agreement of the CDPC, it will be then submitted to the Committee of Ministers for formal approval. If approved, the Working Group on fostering international co-operation and investigative strategies in fighting the smuggling of migrants, or the CDPC, as appropriate, will be responsible for overseeing the promotion, implementation and follow-up of the Action Plan and provide regular updates to the Committee of Ministers on the progress and results achieved.