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EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

2nd meeting of the Council of Europe Network of Prosecutors on Migrant Smuggling (CDPC-NPMS)

3-4 April 2023

Council of Europe, Strasbourg
Palais de l'Europe, Room 3

Meeting Report

Document prepared by the CDPC Secretariat
Directorate General I – Human Rights and Rule of Law

1. Opening of the meeting

Mr Calogero Ferrara, Council of Europe General Consultant to the Network, opened the meeting and extended a warm welcome to all participants. He briefly presented the agenda of the meeting, which mainly provided an opportunity for members to present their respective **national frameworks** in the field of migrant smuggling, as well as to extend the scope of exchanges to **other regional/international bodies** active in this field and to **third states**, where most migratory flows and related criminal activities originate.

The CDPC Secretariat reminded participants of the main developments since the 1st meeting of CDPC-NPMS held in May 2022, namely the launch of the restricted website in September 2022 and the nomination of new representatives within the Network (which is currently composed of twenty-six (26) members in total). Participants were also informed about the outcomes of the most recent CDPC Plenary and Bureau meetings, which were respectively held on 28-29 November 2022 and on 29-30 March 2023.

Participants then discussed recent trends of migrant smuggling, notably the **global rise in cases** and the impact of the war in Ukraine, as well as the discrepancies between centralised and decentralised approaches when it comes to structures in charge of investigating and prosecuting this crime across Council of Europe states.

2. Presentation of national frameworks in the field of migrant smuggling

Session I was dedicated to presentations by members from **Greece, Slovak Republic and the United Kingdom** of their respective national frameworks in the field of migrant smuggling. Presentations provided participants with information on the general migratory context of concerned countries, the institutional organisation of authorities in charge of investigating and prosecuting migrant smuggling, the specific role and powers of prosecutors in each of these jurisdictions, as well as relevant legal frameworks and dispositions.

These presentations also focused on **specific cases and operational aspects**, which notably enabled exploration of the evolving modus operandi of criminal organisations involved in migrant smuggling, including their increasing use of new technologies. Investigation tools and methods in both national and international contexts, were discussed as well as the outcome of investigations due to their specific use. Presentations also included examples of international cooperation, such as through the deployment of liaison prosecutors in partner countries, the setting-up of Joint investigative teams (JIT) and the use of European Investigation Orders (EIO). Several **challenges related to investigating and prosecuting migrant smuggling** were also discussed concerning, among others, cross border transfer of criminal proceedings and movements of proceeds of crime, mutual legal assistance and extradition procedures, interception of encrypted communications (and their use in judiciary proceedings), coordination of action days and the need for common prosecutorial strategies when it comes to transnational cases.

3. Presentation of relevant activities at the level of other regional and international bodies

Session II began with the presentation of **Eurojust activities**, in particular those of the *Focus Group for Prosecutors on Migrant Smuggling*, which brings together relevant actors from judiciary, law enforcement and border control authorities. The role of Eurojust in the *Renewed EU Action Plan on migrant smuggling (2021-2025)* and its priorities for future action, including cooperation with third countries in this field, were underlined. The possible cooperation between the *Focus Group* and the Network, and its nature, was discussed.

The key findings of the **Financial Action Task Force (FATF) report** on *Money Laundering and Terrorist Financing Risks arising from Migrant Smuggling* were also presented, namely the pre-eminence of *Hawala* in transfers of funds by smugglers, the unclear use of new digital payment technologies, as well as their links with terrorist organisations when migratory routes go through territories controlled by such groups, which makes conducting parallel financial investigations and enhancing public-private cooperation in this domain appears as crucial.

The representative of the **International Criminal Court (ICC)** underlined the increasingly violent nature of migrant smuggling and its growing bounds with crimes of enslavement and deprivation of liberty, and with other crimes that can lead to ICC jurisdiction. Both these dynamics are progressing to such an extent that the criminal activities related to migrant smuggling may come in the range of crimes prosecuted by the ICC (particularly in the context of war crimes or crimes against humanity).

4. Presentation by representatives of third states

Session III was dedicated to presentations by prosecutors from **Brazil and Nigeria**. Both presentations introduced participants with **national general** (geographic, historical and socio-economic factors) and **legal context** (for instance the evolution of migration law in Nigeria), as well as its impact on criminal activities related to migrant smuggling over the past years. Relevant **institutional and judiciary organisations** and the links between migrant smuggling and other types of crime (such as corruption and money laundering in Brazil) were presented for each country. The REDTRAM *Ibero-American Network of Prosecutors against Trafficking in Persons and Smuggling of Migrants*, a structure very similar to CDPC-NPMS, was introduced. The Brazilian and Nigerian prosecutors also provided participants with information on **concrete cases** at the level of their respective jurisdictions, with regards to modus operandi of criminal groups (including the use of complex financial schemes, of new technologies and of travel agencies to support their activities) international police and judicial cooperation (including the setting up of JIT and cooperation with international organisations) and the use of proactive tools of cooperation (i.e. the deployment of liaison prosecutors at European judicial authorities).

These presentations were followed by exchanges with members of the Network on **challenges affecting cooperation with European countries**. Issues related to **delays in international requests** and cooperation channels and **differences in legal and criminal procedure systems as well as in substantial laws** have been identified as potentially hindering efficient and timely investigations and prosecutions when it comes to transnational cases.

5. Discussion on future activities and further implementation of the Action Plan

Based on the outcomes of previous Sessions, members of the Network were finally invited to discuss modalities of **potential future completion of Actions n°3** (*Fostering co-operation amongst source, transit and destination countries*) and **n°5** (*Ensuring information knowledge in the field of migrant smuggling*) of the **Council of Europe Action Plan in Fighting the Smuggling of Migrants**.

Following outcomes of Session III of the meeting and regarding Action n°3, participants considered strengthening cooperation with third states, dealing with challenges hampering such cooperation, as well as identifying and sharing good practices on most successful cooperation tools in transnational cases related to migrant smuggling as a priority for future action. In this respect, creating direct contacts with third countries' authorities, especially prosecutors, would facilitate cooperation. After Session I provided members with an overview of a number of national frameworks in the field of migrant smuggling, they also underlined the importance of ensuring information knowledge in this domain, both to foster European cooperation and to facilitate awareness raising and sharing of information with their internal partners, hence encouraging further implementation of Action n°5.

6. Way forward and next meeting(s)

In view of continuing to explore national frameworks and capacities concerning migrant smuggling, it was decided to **hold the next meeting of CDPC-NPMS in one "hotspot"**, located in one transit country represented within the Network, tentatively in Autumn 2023 (host country to be determined).

Following exchanges with the representative of Eurojust, it was decided to **organise a Council of Europe-Eurojust Focus Group joint event** during which the *Focus Group* and members of the Network would present their activities, share their experiences, and consider ways to strengthen cooperation between both entities in the future (date and place to be determined).

Following the suggestion of one member, it was also decided to draft a document presenting the working methods of the Network, to be submitted to the CDPC Plenary for approval.

With regards to respective implementation of Actions n°3 and n°5 of the Action Plan, and **subject to approval during the next CDPC Plenary** (which will be held on 13-15 June 2023), it was also decided to:

- Create a questionnaire on national information on migrant smuggling to be completed by/through members of the Network and other relevant national authorities with the aim to **compile this information in the form of country factsheets** (accessible on the CDPC public [webpage](#) dedicated to migrant smuggling). Such factsheets could include information on countries' general migratory situation, legislative

- and institutional frameworks and tools available for international cooperation, as well as links to certain symbolic cases;
- Organise a **workshop with third states' representatives**, dedicated to presentation as well as analysis of successful cooperation with European countries and of the tools deployed in corresponding cases (date and place to be determined).

In this regard, members of the Network who would be interested in hosting the next meeting of CDPC-NPMS or in representing the Network during the Council of Europe-Eurojust event, as well as those who would be able to give relevant presentations during the aforementioned workshop (ideally together with already identified representative(s) of concerned third states), are kindly invited to inform the CDPC Secretariat at DGI-CDPC@coe.int **before 19 May 2023**.