COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

1st meeting of the Working Group on the prevention of smuggling of migrants

Paris, 21 – 22 June / 21 – 22 juin 2018
Council of Europe / Conseil de l'Europe
55, avenue Kléber, 75016 Paris
Room 1 / Salle 1

Conclusive observations

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.

The first meeting of the Working Group on the prevention of smuggling of migrants took place in Paris on 21- 22 June 2018. The Working Group's membership comprised highly qualified experts, including national practitioners working in the field, representatives of international organisations as well as specialists from academia and the research community.

Chaired Dr Andreas Schloenhardt, Professor of Criminal Law, The University of Queensland; Professorial Research Fellow, Universität Wien, the Working Group focused on topical issues, including: data-collection and research; awareness raising; deterring migrant smugglers; and the synergy between smuggling of migrants and legal avenues of migration.

As general remarks, participants to the Working Group noted that:

1) The **smuggling of migrants is mostly perceived and constructed as a criminal justice issue**. Other dimensions of the problem are frequently overlooked and measures to prevent the smuggling of migrants require more attention. Given the political sensitivity of this subject, when discussing effective means of prevention, it is nonetheless crucial to keep the particular perspectives of States in mind.

2) **Migrant smuggling can be a "high profit, low risk" business** which should be turned in a "low profit, high risk" one. By definition, perpetrators engage in the smuggling of migrants "for the purpose of obtaining, directly or indirectly, a financial or other material benefit". Measures to deter migrants smugglers thus require a common understanding of the smuggling of migrants and a better understanding of the motivation of offenders, the profile of the individuals and groups involved in smuggling migrants, and their relationship to the smuggled migrants.

3) **Profiling and deterring smugglers is a fundamental aspect of prevention strategies**. A comprehensive collection of literature, legislation and cases from relevant jurisdictions would give an insight into the profile of smugglers and their motivations.

4) **Awareness raising is a crucial element to prevent the smuggling of migrants**, though research has shown that most awareness campaigns run thus far have had little to no impact and, in some cases, were counterproductive. Would-be migrants need to be equipped with better information on the risks, dangers, and costs along the main smuggling routes so that they can make more informed decisions. Involving former migrants in awareness-raising has proven successful in some situations, as has communication in the native language and appeal to the domestic culture. In the implementation of their prevention strategies, some countries have also benefitted from the support of local NGOs providing relevant documents and peer-to-peer information. To be more effective and credible, some noted that awareness raising campaigns should go hand in hand with the presentation of available and actionable alternatives.

5) **The relationship between smuggling of migrants and the availability of legal avenues of migrations is a controversial and politically sensitive issue**. There is room to further discuss solutions such as: institution of flexible arrangements to leave and return to a country; access to a certain number of legal pathways; implementation of policies of visa liberalisation; setting-up of hotspot in source countries; implementation of

bilateral agreements with relevant source and transit countries; founding of education programmes; and, facilitation of legal migrants' mobility. However, it should be kept in mind that all such measures depend on States' policy planning.

In light of the above, participants to the Working Group agreed to make use of their next meeting (date and venue to be determined) to discuss in further details how to translate their observations in concrete Council of Europe's actions. In particular, the Working Group will:

i. further discuss preventive approaches, including whether there is scope for the **compilation of good practices** to assist member States in developing national preventions strategies and practical measures aimed at the prevention of the smuggling of migrants;

ii. focus on the root causes and features of the different routes of smuggled migrants and, to this scope, examine the opportunity to elaborate **factsheets providing relevant information and statistics**;

iii. discuss evaluation mechanisms to **assess the effectiveness of awareness raising campaigns** in order to spot best examples and means of improvement;

iv. explore the opportunity to **develop synergies with other departments of the Council of Europe** which would bring added value to the discussion of relevant issues concerning the prevention of the smuggling of migrants;

v. **examine the relevance of the role of the media and the management of information** in the discussion on measures to prevent the smuggling of migrants;

vi. **invite specific subject matter experts** to set the foundation for further discussion and guide it with focused presentations;

vii. explore further means to **boost co-ordination with other relevant international and regional organisation**.