



European Union

**EU Statement on
Agenda item 3: How to strengthen the capacity to prosecute migrant smuggling
cases**

Eighth session of the Working Group on the Smuggling of Migrants

**Conference of the Parties to the UN Convention
against Transnational Organised Crime**

Vienna, 14-15 October 2021

Mr Chair,

I have the honour to speak on behalf of the European Union and its Member States. The following countries align themselves with this statement: [Turkey[§], the Republic of North Macedonia*, Montenegro*, Serbia*, Albania*, Bosnia and Herzegovina*, Iceland[†], Liechtenstein[†], Norway[†], Ukraine, the Republic of Moldova, Armenia, Azerbaijan, Georgia, Andorra and San Marino].

In that capacity, I would like to express our gratitude for the organisation and preparation of this meeting and I look forward to the discussions on effective measures to prevent and counter the smuggling of migrants, while protecting the rights of smuggled migrants, particularly women and children, and those of unaccompanied and separated migrant children.

The European Union and its Member States remain committed to preventing and combatting the smuggling of migrants, which remains a common challenge requiring international cooperation and coordination as well as effective border management.

Since the start of the COVID-19 pandemic, irregular migration through the smuggling of migrants towards and within the EU has continued. Criminal networks have shown a high degree of adaptability and use different routes, modi operandi and strategies, including a wide variety of facilitation services covering both illegal entry into the EU and unauthorised movements within the EU. This situation not only endangers

[§] Candidate Country

^{*} Candidate Countries the Republic of North Macedonia, Montenegro, Serbia and Albania as well as potential Candidate Country Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

[†] Iceland, Liechtenstein and Norway are members of the EFTA and of the European Economic Area.

migrants, but it may also undermine the effectiveness of migration management systems.

The New Pact on Migration and Asylum proposed by the European Commission and the EU Security Union Strategy of 2020 both underline the importance of preventing and addressing migrant smuggling, as a key element of the humanitarian and migration management.

Working with partner countries includes support to reduce the incentives to embark on dangerous journeys, by providing protection to those in need, addressing the root causes of irregular migration, creating job opportunities and promoting decent work, legal migration and safe legal pathways to Europe in accordance with national competences; as well as strengthening border and migration management capacities and communicating these measures through targeted information campaigns. This will contribute to avoiding the loss of life of people during their perilous journeys, whether on land or at sea.

Through its first EU Action Plan against migrant smuggling for the period 2015-2020, the EU has strengthened its law enforcement and judicial response, the gathering and sharing of information, preventing migrant smuggling and providing assistance to vulnerable migrants, and, finally, supporting stronger cooperation with third countries.

Building on this, the European Commission presented on 29 September 2021 a renewed EU action plan against migrant smuggling for the period 2021-2025. The main pillars of the Action Plan are: (1) a reinforced cooperation with partner countries and international organisations; (2) sanctioning migrant smugglers and preventing the exploitation of migrants; (3) reinforcing cooperation and supporting the work of law enforcement and of the judiciary; and (4) increased knowledge base.

The renewed EU action plan supports increased cooperation between law enforcement and the judiciary, with a focus on targeting and dismantling high-risk and high-value criminal networks. The plan underlines the importance of identification and timely seamless registration migrants arriving at EU external border and stresses that information on smuggling networks and the routes for the purpose of risk analysis collected during debriefings are of high value for criminal investigations. Particular attention is needed for crimes committed through online platforms and related technologies, financial investigations and asset recovery, and document fraud.

With regard to the EU's legal framework, last year, the European Commission presented guidance clarifying that humanitarian assistance mandated by law, for example in the framework of search and rescue operations, can never be criminalised.

To reinforce cooperation with partner countries, the renewed EU action plan proposes to develop dedicated and tailor-made Anti-Smuggling Operational Partnerships with partner countries or regions along migratory routes towards the EU, as part of the EU's broader migration partnerships. Actions will aim at strengthening legal, policy, operational and strategic frameworks in partner countries and increasing the impact, ownership and sustainability of efforts to address migrant smuggling. Such partnerships will be implemented in close cooperation with EU Member States, EU agencies and international organisations.

Finally, a highly worrying phenomenon observed recently is the artificial creation and facilitation of irregular migration, using migratory flows as a political tool. We are deeply concerned by the instrumentalisation of migrants for political purposes.

The renewed action plan proposes that the EU pulls together and further develop all the operational, legal, diplomatic and financial tools at their disposal to respond to the instrumentalisation of irregular migration by State actors.

The EU will ensure adequate financing that matches, supports and translates into action the ambition and objectives of the renewed EU action plan. We look forward to close cooperation with partner countries, based on the UN Protocol on Smuggling of Migrants by Land, Sea and Air and in cooperation with UNODC, including within the framework of our discussions in the Working Group.

Thank you, Mr Chair.