Trafficking and smuggling of human beings are - according to the United Nations - some of the fastest growing areas of international criminal activity involving a number of different crimes, countries and an increasing number of victims. Smuggled migrants are vulnerable to life-threatening risks and exploitation; thousands of people have suffocated in containers, perished in deserts or dehydrated at sea. Generating huge profits for the criminals involved, smuggling of human beings fuels corruption and empowers organized crime.

There are significant differences between trafficking and smuggling of human beings, but the reasons behind these illegal activities are often similar. Human smuggling is the facilitation, transportation, attempted transportation or illegal entry of a person across an international border, in violation of one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documents.

The relevant international instrument (Article 3 of the Smuggling of Migrants Protocol supplementing the United Nations Convention against Transnational Organized Crime) defines smuggling of migrants as "a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident".

Often, human smuggling is conducted in order to obtain a financial or other material benefit for the smugglers. However financial gains are not necessarily elements of the crime. This is acknowledged by the relevant EU legal framework, which is wider than that of the UN, punishing facilitation of entry/transit also without material benefit. Smuggled individuals are voluntarily involved in the process: they pay smugglers to enter a country irregularly. Contrary to trafficking, smuggling does not require an element of exploitation, coercion, or violation of human rights, but it cannot be considered that those smuggled are not subject to abuse. Often, elements of deception can also be found, smugglers mis-representing prospects and the reality in the destination country.

In addition to being subjected to unsafe conditions on the smuggling journeys, smuggled persons may be subjected to physical and sexual violence or smuggled persons may become victims of other crimes. It is also possible that a person being smuggled may at any point become a trafficking victim. For examples at the end of the journey, smuggled persons might be held hostage until their debt is paid off by relatives. Article 6 of the UN Protocol on Smuggling, requires States to
criminalize both smuggling of migrants and enabling a person to remain in a country illegally in order to obtain, directly or indirectly, a financial or other material benefit, as well as to establish as aggravating circumstances acts that endanger the lives or safety or entail inhuman or degrading treatment of migrants. By virtue of article 5, migrants are not liable to criminal prosecution for the fact of having been smuggled. It is therefore understood that the Protocol aims to target smugglers, not the people being smuggled. United Nations Office in Drugs and Crime (UNODC), as the guardian of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, assists States in their efforts to implement the Smuggling of Migrants Protocol against the Smuggling of Migrants by Land, Sea and Air.

Smuggling of human beings is a rather complex issue and at the EU level a variety of existing tools are tackling it. The Lampedusa tragedy triggered additional focus. A Task Force Mediterranean (TFM) was set up and its work was presented in a European Commission Communication in December 2013., which addresses among others the issue of human smuggling in the Mediterranean The European Council on the 19-20 of December discussed the report of the Task Force Mediterranean and in its Conclusions supported the outcome of the process and the actions envisaged in the Commission Communication.. In particular, among the follow-up actions to the work of the TFM the Commission is tasked with drawing up a comprehensive EU plan addressing human smuggling, as well as carrying out the evaluation of the current EU acquis on this issue. The EU legal framework is composed by a package of two measures: Directive (2002/90/EC) criminalises facilitation of unauthorized entry, transit and residence (i.e. human smuggling), for which a common definition is provided. The EU approach is even stricter than the one of the UN mentioned above, insofar as it punishes facilitation of entry/transit also without material benefit. The benefit or "financial gain" is explicitly specified only for facilitation of unauthorized residence. Framework Decision (2002/946/JHA) deals with the strengthening of the criminal law framework to tackle smuggling, including by fixing some minimum standards for maximum sentences. The European Commission has currently launched a study to gather updated information on the application of both instruments in all Member States.

The Panel meeting provides not only an overview of the international legal aspects and recent trends of smuggling of human beings but offers also an opportunity to share national practices and experiences both from the EU and Eastern Partnership countries side, not least in relation to the active cooperation between the EU and the Eastern Partnership that takes place already today in the fight against human smuggling and trafficking with the Eastern Partnership as strategically important partners in the fight against smuggling activities. The meeting will in particular focus on exchange of information on activities to prevent and combat smuggling through intelligence, risk analysis and cooperation with countries of transit and origin, as well as considerations connected to the status of the smuggled individuals, their role as a witness and their protection from possible exploitation.